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LECTURES  
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GROWTH AND DEVELOPMENT  
OF THE  
UNITED STATES



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**FIGHT BETWEEN THE CONSTITUTION AND JAVA**  
*From the painting by William Steeple Davis.*



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FIGURE BETWEEN THE CONSTITUTION AND JURY

From the painting by William Steple Davis.



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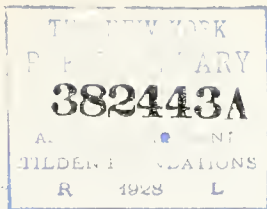
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SERIES NINE

LECTURES FORTY (Part 2) AND FORTY-ONE (Part 1)

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*The Jeffersonian Era: Democracy and Nationality, 1801-1829*

(Continued)

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40. The War of 1812 (Part 2)

41. Internal and Foreign Affairs after the War of 1812 (Part 1)

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## CHAPTER XVIII.

1813-1814.

## MILITARY AND NAVAL OPERATIONS IN THE NORTH.

Earle's attack on Woolsey — Engagement between British and American fleets — Arrival of Perry at Erie — His defeat of the British at the battle of Lake Erie — Harrison's victory at the Thames — Forsyth's expedition — Capture of York — Attack on Fort George — Defeat of Winder and Chandler at Stony Creek — Capture of Boeistler's expedition — Prevost's attack on Sackett's Harbor — Naval Actions — Wilkinson's quarrel with Hampton — His jealousy of Armstrong — Battle of Chrystler's Farm — Hampton's movements — Battle of Chateauguay — Wilkinson's call for help — Burning of Newark — Retaliation of the British — Wilkinson's demand for court of inquiry — Battle of Lacolle Mill — Wilkinson's subsequent career — Yeo's attack on Oswego and Sackett's Harbor — Attack on Detroit — Capture of Fort Erie — Battle of Chippawa — Battle of Lundy's Lane — Repulse of the British at Fort Erie — Brown's attempt to capture Drummond — Defeat of Smith's flotilla on Lake Champlain — Izard's march to Sackett's Harbor — Advance of the British toward Plattsburg — Battle of Lake Champlain — Retreat of the British — Preparations for the next campaign.

On taking office Armstrong had marked out the United States into nine military districts, had ordered James Wilkinson to go from New Orleans to Sackett's Harbor, and had commanded Harrison to act on the defensive until the fleet then building on Lake Erie was ready to sail. When the war began the United States had no armed vessel on Lake Erie and only one on Lake Ontario. This was the *Oneida*, a ship carrying 16 24-pounders,\* commanded by Lieutenant Melancthon T. Woolsey, who executed several daring enterprises before being attacked at Sackett's Harbor by Commodore Earle. The latter, with a fleet consisting of the *Royal George*, 22, the *Prince Regent*, 16, the *Earl of Moira*, 14, the *Duke of Gloucester*, 14, the *Seneca*, 4, and the *Simcoe*, 12,† appeared off Sackett's

Harbor July 19, 1812, and demanded that Woolsey surrender the *Oneida*, then at anchor near the town. Woolsey tried to escape from the harbor; but, failing in this, he anchored near the bluff where his guns could rake the entrance to the harbor and, mounting on shore the guns from the off side of his ship which would be useless in a fight in that position, he defied Earle.\* At the end of the peninsula he erected also a long 32-pound gun, with three 9-pounders and with these weapons held off the whole British fleet, which withdrew after an hour's cannonading without having inflicted any damage.†

Woolsey then began to purchase merchant vessels and to fit them for

*Simcoe* 8, while Lossing (*War of 1812*, p. 367) gives a still different armament.

\* Cooper, *Naval History*, vol. ii., p. 149.

\* Cooper, *Naval History*, vol. ii., pp. 25, 147.

† Roosevelt (*Naval War of 1812*, p. 145) gives the *Gloucester* 10 guns, the *Seneca* 8, and the

† Maclay, *History of the Navy*, vol. i., pp. 472-473; Roosevelt, *Naval War of 1812*, p. 151; Lossing, *War of 1812*, pp. 368-369; Spears, *History of Our Navy*, vol. ii., pp. 266-268.

offensive operations.\* Isaac Chauncey, who had been appointed commander of the naval forces at Lakes Erie and Ontario, sent cannon and other munitions of war and in November the ships were on the lake ready for battle. On the 8th the *Oneida*, *Hamilton*, *Governor Tompkins*, *Pert*, *Julia* and *Growler* chased the *Royal George* under the guns of Kingston and on the 9th Chauncey endeavored to lay the *Royal George* aboard beginning the attack at 3 P. M. The *Conquest*, *Julia*, *Pert*, and *Growler* opened the attack with their heavy guns, and were followed by the *Oneida*. At the third discharge the *Pert's* gun burst wounding her commander and four of her crew. The other gunboats engaged the five batteries of the enemy, while the *Oneida* at 3.40 opened on the *Royal George* and in 20 minutes compelled her to run in and tie herself to a wharf, where she was under the protection of a large body of land troops. In the face of these troops, the Americans could not attempt to board, and as it was growing dark, Chauncey retired, returning to Sackett's Harbor. Four of the schooners continued to blockade Kingston until the middle of

November. Soon after winter closed navigation and the ships remained idle until spring.\*

Much better progress had been made at Lake Erie. In 1812 Daniel Dobbins had been appointed a sailing master in the navy under Commodore Chauncey with orders to build two gunboats, and by March the work was well under way. At this juncture Oliver Hazard Perry appeared on the scene. On February 17 Commander Perry, then an officer on service at Newport,† had received orders from Secretary Jones to report to Commodore Chauncey on Lake Ontario.‡ On March 3 he appeared at Sackett's Harbor, where he was detained by Chauncey until March 16, thence to be ordered to Presqu' Isle (afterward called Erie) to take charge of the vessels there under construction.¶ He reached the village on March 27 and there found two gunboats nearly planked, a third ready for planking, and the keels of two 20-gun brigs and a clipper schooner,§ but not a gun had

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\* Roosevelt, *Naval War of 1812*, pp. 154-155; Lossing, *War of 1812*, pp. 371-372; McMaster, vol. iv., pp. 28-30; Cooper, *Naval History*, vol. ii., pp. 153-156; Brackenridge, *History of the Late War*, p. 77; Chauncey's report in Brannan, *Official Letters*, pp. 90-91.

† For the details of this service, see Mackenzie, *Life of Perry*, vol. i., pp. 103-125.

‡ George Bancroft, *History of the Battle of Lake Erie*, in Oliver Dyer, *Life and Writings of George Bancroft*, pp. 129-131.

¶ Mackenzie, *Life of Perry*, vol. i., pp. 127-129; Cooper, *Naval History*, vol. ii., p. 186; MacLay, *History of the Navy*, vol. i., pp. 492-494.

§ Lossing (*War of 1812*, pp. 511-513) says that these were the *Niagara*, *Lawrence*, *Ariel*, *Porcupine*, *Tigress*, and *Scorpion*.

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\* Roosevelt (*Naval War of 1812*, pp. 151-153) says that the ships purchased were the *Hamilton*, *Governor Tompkins*, *Growler*, *Conquest*, and *Pert*, and a schooner which was captured was renamed the *Julia*, armed with a long 32 and two 6-pounders and sent to Ogdensburg. The *Madison*, built to mount 24 32-pound carronades, was launched November 26, and late in the autumn four more schooners were purchased and renamed the *Ontario*, *Scourge*, *Fair American*, and *Asp*.



been provided for their armament, not a musket or a bullet was to be had at Erie, and no regular garrison protected the harbor.\* With characteristic energy, Perry organized the citizens of Erie into a guard, sent to Buffalo for soldiers and arms, and went to Pittsburg for the other necessary supplies.† By hard work three gunboats were launched early in May and the others on May 24.‡

Meanwhile Lieutenant Jesse Duncan Elliott had purchased several merchantmen, and they, together with the prize brig, *Caledonia*, lay in a creek at Black Rock on the Niagara River; but, as the British batteries commanded the entrance to the creek, they could not be taken out. Soon after, however, Fort George was captured; and as the British fell back from the Niagara River, Elliott's ships were released.¶ In spite of all obstacles, Commodore Perry had the fleet ready by August 2 and on the 12th sailed with nine vessels up the lake in search of the British.§ The American fleet consisted of the *Lawrence* (Lieutenant John J. Yarnall), Perry's own brig, carrying 2 long 12's and 18 short 32's; the *Niagara* (Captain Elliott) with the same armament; the *Caledonia* (Lieutenant Daniel

Turner) 2 long 24's and 1 short 32; the *Ariel* (Lieutenant John H. Packett), 4 long 12's; the *Scorpion* (Sailing-Master Stephen Champlin), 1 long 32 and 1 short 24; and the *Somers* (Sailing-Master Thomas C. Almy) 1 long 24 and 1 short 32; and the *Porcupine* (Midshipman George Serrat), the *Tigress* (Lieutenant A. H. M. Conekling), and the *Trippe* (Lieutenant Thomas Holclup) of 1 long 32-pounder each, making a total of 54 guns throwing a net weight of 1,428 pounds.\* The fleet had a nominal crew of 532 men, though the actual crew numbered 490.† The British fleet was under command of Captain Robert H. Barelay. When Perry's squadron was on the lake, Barelay's only hope lay in completing a vessel named the *Detroit*, then on the stocks at Amherstburg. Made of green timber, as were the *Lawrence* and the *Niagara*, she was launched rough and unfinished and was armed with guns of every calibre taken from the ram-

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\* Roosevelt (*Naval War of 1812*, p. 260) gives the *Scorpion* 1 short 32 instead of 1 short 24, and the *Trippe* a long 24 instead of a 32. Roosevelt makes the broadside only 936 pounds and says that the *Lawrence* and *Niagara* each fought a long 12 instead of one of the carronades on the engaged side, reducing the broadside to 896 pounds, of which 288 were from the long guns. For other statistics, see Emmons, *Statistical History of the United States Navy*, p. 20.

† Maclay, *History of the Navy*, vol. i., pp. 500-501; Roosevelt, *Naval War of 1812*, p. 257; Adams, *United States*, vol. vii., p. 120; Cooper, *Naval History*, vol. ii., p. 188; Mackenzie, *Life of Perry*, p. 203. Lossing gives the names of the commanders somewhat differently. He and others give the name of the *Porcupine's* commander as Senat or Senate, but Roosevelt has been followed in the text.

\* Mackenzie, *Life of Perry*, vol. i., p. 131.

† Baneroft, *Battle of Lake Erie*, pp. 133-135.

‡ Lossing, *War of 1812*, p. 512; Mackenzie, *Life of Perry*, vol. i., pp. 135-136.

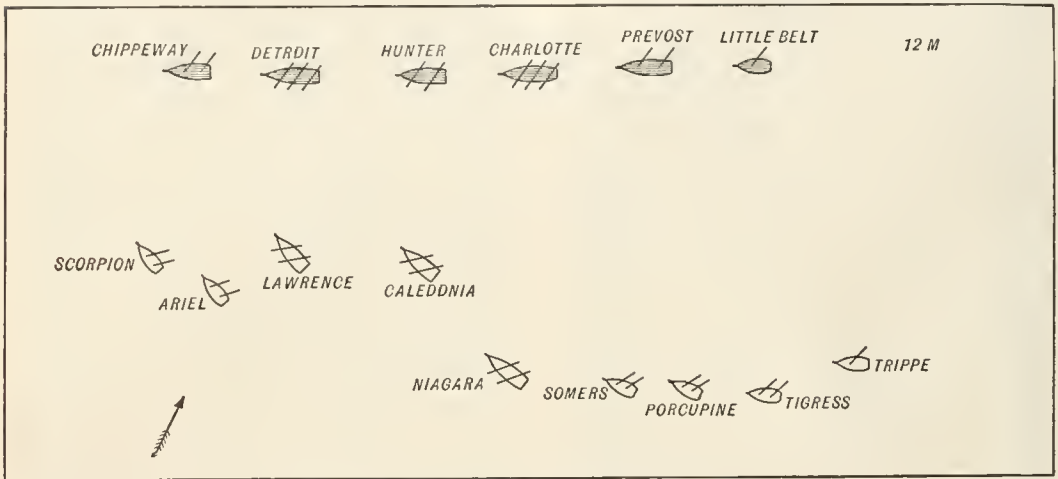
¶ These were the *Caledonia*, *Somers*, *Tigress*, *Ohio*, and *Trippe* (Maclay, *History of the Navy*, vol. i., p. 496; Lossing, *War of 1812*, p. 512).

§ The *Ohio* had been sent down the lake on special duty (Cooper, p. 189; Lossing, p. 576).

parts and manned by soldiers and frontiersmen unused to naval service.\* Early in September the *Detroit* was ready for battle and on the 9th Barclay's fleet set sail for the enemy then at anchor in Put-in-Bay, near the mouth of the Sandusky River. The British squadron consisted of the *Detroit*, 490 tons, carrying 19 guns (2 long 24's, 1 long 18, 6 long 12's,

bell), carrying 1 long 9-pounder and 2 swivels; in all six vessels carrying 502 men and 63 guns and throwing 852 pounds of metal.\*

Early on the morning of the 10th Barclay bore down upon Perry's squadron, which immediately got under way and stood out to meet him. About 10 o'clock a change in the wind to the southeast gave the American



BATTLE OF LAKE ERIE (FIRST FORMATION).

Reproduced by permission from Roosevelt's *Naval War of 1812* (G. P. Putnam's Sons).

8 long 9's, 1 short 24 and 1 short 18) and in command of Barclay; the *Queen Charlotte*, Captain R. Finis, 17 (1 long 12, 2 long 9's and 14 short 24's); the *Lady Prevost*, 13, (1 long 9, 2 long 6's and 10 short 12's), commanded by Lieutenant Edward W. Buchan; the brig *Hunter*, 10 (4 long 6's, 2 long 4's, 2 long 2's and 2 short 12's), Lieutenant G. Bignell; the sloop *Little Belt*, 3 (1 long 12 and 2 long 6's); and the *Chippeway* (J. Camp-

squadron the weather gage.† Commodore Perry then hoisted his Union jack inscribed "Don't give up the ship," and, taking the lead in the *Lawrence* and supported by two gun boats (the *Ariel* and the *Scorpion*), met the enemy's line a few minutes before 12. Perry evidently did not

\* Adams, *United States*, vol. vii., pp. 119-121, who evidently follows Roosevelt. See also the comparison in Cooper, *Naval History*, vol. ii., p. 195, note; Mackenzie, *Life of Perry*, vol. i., pp. 216-221.

† Mackenzie, *Life of Perry*, vol. i., pp. 224-226.

\* James, *Naval Occurrences*, p. 285.



COMMODORE PERRY AT THE BATTLE OF LAKE ERIE.





mean to fight at a distance,\* for his ship could use only 2 long 12-pounders against the *Detroit's* 6 12's, 1 18, 2 24's and 8 9's, which would make him practically helpless. Both the *Lawrence* and the *Niagara* were armed for close fighting. Their combined broadside including their 12-pounders threw 148 pounds of long metal, while at short range the two brigs could throw 240 pounds on each broadside.† At 11.45 the *Detroit* opened fire on the *Lawrence*, and finding the long range fire very destructive, Perry hastened to close with the enemy.‡ Directing the other vessels to follow, at 11.55 the *Lawrence* brought her guns to bear upon the enemy,|| and gradually working her way to within canister range, and accompanied only by the *Scorpion*, the *Ariel*, and the *Caledonia*, became engaged in a desperate battle with the *Chippeway*, the *Detroit*, the *Queen Charlotte* and the *Hunter*.§ On each side the large ships were the targets for all guns

and suffered dreadfully.\* The *Queen Charlotte* was almost disabled and the *Detroit*, raked by the fire of the gunboats and hulled by the *Lawrence* was badly shattered. On the other hand, the *Lawrence* was reduced almost to a wreck. Nearly the whole of her crew were either killed or wounded, 83 out of 103 having fallen;† every brace and bow line was shot away and every gun rendered useless; and after sustaining the action upward of two hours, she became unmanageable, notwithstanding all efforts of her sailing-master.‡ Accordingly, Perry left her in charge of Lieutenant Yarnall, and at 2.30 with his brother and four seamen was rowed to the *Niagara*, then in the thickest of the fight.|| Standing up in the stern of the boat until pulled down among the crew, Perry passed safely through a terrific shower of shot and hoisted his flag on the *Niagara*,§ which, being the best manned and best equipped of all the fleet, ought to have engaged the *Queen Charlotte* long before.¶ Elliott, her commander, for

\* The plan of battle is given in Lossing, *War of 1812*, pp. 518-519. See also pp. 521-522.

† Roosevelt, however, gives this as 300 pounds total for each vessel.

‡ Cooper, *Naval History*, vol. ii., p. 190; Bancroft, *Battle of Lake Erie*, pp. 156-157; Mackenzie, *Life of Perry*, vol. i., pp. 232-233.

|| Bancroft, *Battle of Lake Erie*, p. 158.

§ Maclay, *History of the Navy*, vol. i., pp. 504-506; Roosevelt, *Naval War of 1812*, p. 265. Lossing (p. 523) substitutes the *Lady Prevost* for the *Chippeway* and does not say that the latter immediately engaged the *Lawrence*. The *Chippeway* was at the head of the British line, however, while the *Prevost* was next to the last and was engaged with the three small gunboats, so that evidently Lossing is mistaken. The *Prevost* did not come up until later in the action.

\* At this time the *Lady Prevost* joined the other British ships against the *Lawrence*, the *Scorpion*, and the *Ariel* so that the British now had in play 32 guns throwing 306 pounds of metal against the 7 American guns throwing 104 pounds (Maclay, p. 507).

† Lossing, *War of 1812*, p. 524; Roosevelt, *Naval War of 1812*, p. 265; Brown, *Campaigns of the Northwestern Army*, pp. 89 et seq., 97-99.

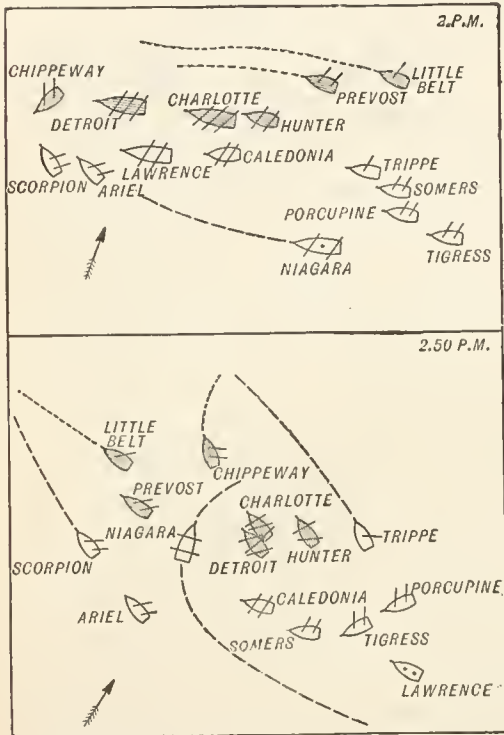
‡ Bancroft, *Battle of Lake Erie*, pp. 171-172; Maclay, *History of the Navy*, vol. i., pp. 507-510; Mackenzie, *Life of Perry*, vol. i., pp. 237-238.

|| Cooper, *Naval History*, vol. ii., p. 191.

§ Lossing, *War of 1812*, p. 527.

¶ Maclay, pp. 510-511.

some unknown reason, had done his fighting with two long-range guns quite out of reach of harm,\* and his action was imitated by four of the gunboats.



BATTLE OF LAKE ERIE (LAST FORMATIONS).

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When Perry boarded the *Niagara*, Captain Elliott volunteered to bring into close action the schooners which had been kept astern by the lightness of the wind. This offer being accepted, Elliott left the *Niagara* in a boat to put the plan into execution.†

\* Roosevelt, *Naval War of 1812*, p. 264; Bancroft, *Battle of Lake Erie*, p. 164 *et seq.*; Mackenzie, *Life of Perry*, vol. i., pp. 233, 235 *et seq.*, 244; Lossing, *War of 1812*, pp. 524-525.

† Cooper, *Naval History*, vol. ii., p. 191; Loss-

Almost at the same moment the *Lawrence* struck. The event was unavoidable, as she had sustained the brunt of the conflict and was incapable of defence. Only 14 of her men were unhurt and any further show of resistance would have subjected them to certain death.\* The enemy was unable, however, to take possession of her and, drifting down between the two lines of battle until out of range, she rehoisted her colors.†

At 2.45 the signal was given for close action.‡ Ascertaining that the *Niagara* had sustained little injury, Perry determined to pass through the enemy's line and break it. Accordingly, he bore up and passed ahead, firing his port guns into the *Chippeway*, the *Lady Prevost*, and the *Little Belt*, and the starboard guns into the *Detroit*, the *Queen Charlotte*, and the *Hunter*, raking on both sides.|| Having passed the whole squadron, he luffed up, laid his ship alongside the British commodore and raked the *Detroit* and the *Queen Charlotte*, which had now got foul of each other. In the meantime the smaller vessels under the direction of Captain Elliott had got within grape and cannister

ing, *War of 1812*, p. 528. And thus, as Bancroft says (*Battle of Lake Erie*, p. 178) the second officer of the squadron, ashamed of his former conduct, went in the boat on the paltry errand fit only for a subordinate.

\* Bancroft, *Battle of Lake Erie*, pp. 175-176; Mackenzie, *Life of Perry*, vol. i., pp. 247-248.

† Maclay, pp. 511-512.

‡ Mackenzie, *Life of Perry*, vol. i., p. 251.

|| Roosevelt, *Naval War of 1812*, p. 267; Lossing, *War of 1812*, p. 528.

distance, and, keeping up a well-directed fire, soon reduced the *Detroit*, the *Queen Charlotte*, and the *Lady Prevost* to helplessness and they surrendered about 3 o'clock.\* The *Little Belt* and the *Chippeway*, however, attempted to escape, but were chased and captured by the *Trippe* and the *Scorpion*.† The engagement had lasted three hours, but there never was a victory more decisive and complete. The Americans lost 27 killed and 96 wounded and the British 41 killed and 94 wounded (Commodore Barclay among the latter).‡ Commodore Perry, sitting down while the smoke of battle was in the air, sent off a message to Harrison which has never since been forgotten: "We have met the enemy, and they are ours; two ships, two brigs, one schooner and one sloop. Yours, with very great respect and esteem, PERRY."||

On the 13th he forwarded a fuller account of the battle in which he spoke in fitting terms of the bravery of Captain Elliott (though contrary to

the wishes and judgment of many of his officers) and of the officers and men in general.\* Furious as the battle was, the dispute aroused by it among the friends of Perry and Elliott was still more so. With this dispute history need not concern itself, for the official reports of both commanders and others engaged in the action leave no reasonable doubt that Perry was chiefly responsible for the result of the battle.†

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\* Lossing, *War of 1812*, p. 542. See also *American State Papers, Naval Affairs*, vol. i., p. 295; Adams, *United States*, vol. vii., pp. 121-127; McMaster, vol. iv., pp. 35-37; J. H. Ward, *Manual of Naval Tactics*; Mahan, *War of 1812*, vol. ii., chap. xi.; Maclay, pp. 518-519; Barnes, *Naval Actions of the War of 1812*, pp. 139-156; Fay, *Official Accounts*, pp. 122-125; Hill, *Romance of the American Navy*, pp. 170-188; Hill, *Twenty-Six Historic Ships*, pp. 241-255; Clark, *Short History of the Navy*, pp. 161-174; James, *Naval Actions*, pp. 35-39; Bowen, *Naval Monument*, pp. 85-97; Spears, *History of Our Navy*, vol. ii., pp. 280-338; John Frost, *Book of the Navy*, chap. xv.; Ernest Cruikshank, *The Contest for the Command of Lake Erie in 1812-1813*, in *Transactions of the Canadian Institute*, vol. vi., pp. 359-386 (Toronto, 1899).

† See Cooper, *Naval History*, vol. ii., pp. 196-199. Perry left with Decatur a collection of illustrative documents, which were later published as *Documents Relative to the Difference between Commodore Perry and Captain Elliott* (Washington, 1821; Boston, 1834). Elliott defended himself in a *Review of a Pamphlet, etc.* (Boston, 1834) which gives minutes of the court of inquiry, April 24, 1815. In 1835 appeared a pamphlet by Russell Jarvis, *Biographical Notice of Com. Jesse D. Elliott*, containing many papers and diagrams. The publication in 1839 of Cooper's *Naval History* brought forth many articles aiming to show that Cooper had been unfair to Perry. Mackenzie, in his *Life of Perry*, vol. i., p. 272 *et seq.*, vol. ii., chaps. x., xiii., and App., bitterly attacks Elliott, as does Tristram Burgess in an address before the Rhode Island Historical Society, published in 1839 as *The Battle of Lake*

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\* Cooper, *Naval History*, vol. ii., p. 192; Bancroft, *Battle of Lake Erie*, pp. 181-183.

† Maclay, *History of the Navy*, vol. i., p. 513; Roosevelt, p. 267; Lossing, *War of 1812*, p. 529.

‡ Mackenzie, *Life of Decatur*, vol. i., pp. 257-258; Perry's report in Braunan, *Official Letters*, pp. 205-208; Cooper, *Naval History*, vol. ii., pp. 193-194; Maclay, vol. i., pp. 515-517. Brown (*Campaigns of the Northwestern Army*, pp. 97-102) gives a list of the killed and wounded on the American side.

|| *Niles' Weekly Register*, vol. v., p. 60; *American State Papers, Naval Affairs*, vol. i., p. 294; Albach, *Annals of the West*, p. 902. Lossing (*War of 1812*, p. 530) gives a facsimile of the message.



On September 12 Harrison, who was still waiting at Seneca on the Sandusky River, received Perry's dispatch and began to prepare for his campaign against Detroit. When Armstrong divided the country into nine military districts, Harrison was placed in command of the eighth, with seven regular regiments. Instead of providing 7,000 men, the recruiting service did not send him more than 2,500.\* These were divided into two brigades under Brigadier-Generals Duncan McArthur and Lewis Cass, with the light corps under Lieutenant-Colonel James V. Ball and the light dragoons. Harrison then appealed to Kentucky and once more that State responded nobly. With the opportunity at hand to avenge the massacre at

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*Eric with Notices of Commodore Elliott's Conduct in that Engagement.* In 1843 Cooper outlined his views in an article in *Graham's Magazine* (May and June) and afterward published a pamphlet entitled *The Battle of Lake Eric; or, Answers to Messrs. Burgess, Duer, and Mackenzie*. See also his memoir of Perry in *Lives of Distinguished American Naval Officers*, vol. ii. An account, in the nature of an autobiography, from Elliott's side is the *Speech by Commodore J. D. Elliott, delivered in Hagerstown, Md., Nov. 14, 1843*; but Ward (*Naval Tactics*, p. 76) thinks Elliott's explanations are unsatisfactory. Roosevelt (*Naval War of 1812*, pp. 271-274) does not take the usual high view of Perry's conduct. Usher Parsons, a surgeon aboard the flagship, answered Cooper in an address on the *Battle of Lake Eric* (Providence, 1853); in 1858 made a speech at Put-in-Bay (*New England Historical and Genealogical Register*, 1859, p. 171); and wrote an account of the fate of Perry's ships (*United Service Magazine*, vol. ii., p. 464). See also S. R. Brown, *Views of the Campaign, and Views on Lake Eric*; David C. Bunnell, *Travels and Adventures*.

\* McAfee, *History of the Late War in the Western Country*, p. 334.

Frenchtown, 3,000 Kentuckians, under the leadership of Governor Shelby, joined Harrison in September; and these were later joined by a mounted regiment of 1,000 men under Richard M. Johnson, thus raising his army to 6,500 men.\*

At Malden and Detroit Proctor was in command of a force of 986 regulars, which gave him about 800 effectives, while at Amherstburg were not less than 3,500 Indians. Proctor had every reason to resist Harrison's approach, but when the latter landed at Middle Sister Island, the British troops began to burn or destroy public property at Malden and Detroit,† withdrawing to Sandwich on September 24 and thus allowing Harrison to establish himself at Malden without a skirmish.‡ On September 27 Harrison occupied Malden,|| two days later entered Sandwich, and upon the arrival of Johnson's mounted regiment began the pursuit with energy. Having a week's advantage, Proctor should have been far away; but having moved slowly, he reached Dalsen's (or Dolsen's) only on October 1. This was 50 miles from Sandwich. Thence

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\* Montgomery, *Life of Harrison*, p. 204; Brackenridge, *History of the Late War*, pp. 157-158.

† For Tecumseh's speech likening Proctor to a fat dog which dropped its tail between its legs and ran, see Richardson, *War of 1812*, p. 119; Mackenzie, *Life of Perry*, vol. i., p. 299; Lossing, *War of 1812*, pp. 546-547, note; Brannan, *Official Letters*, pp. 240-241.

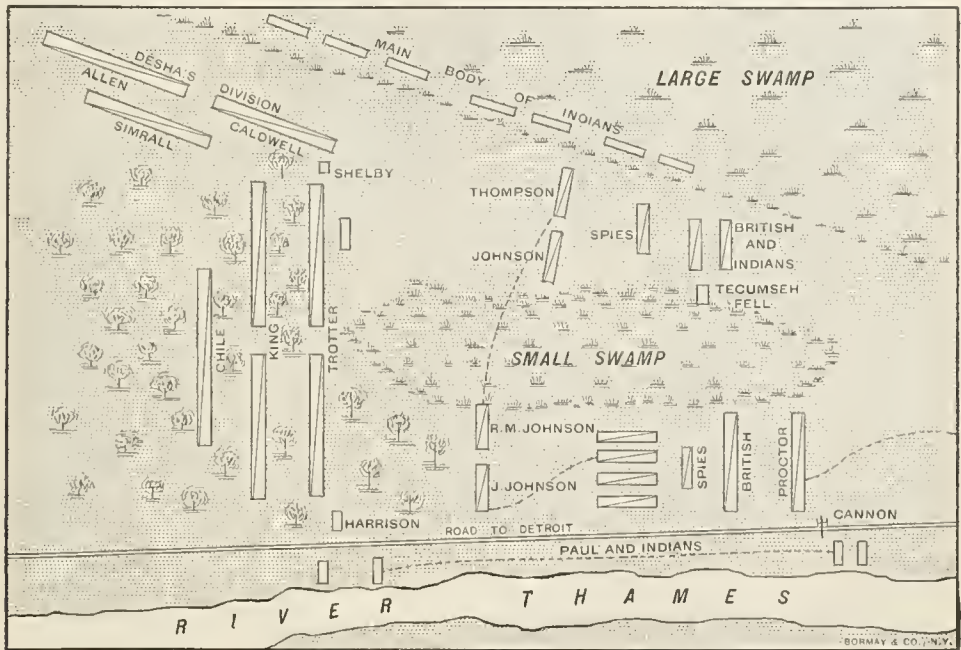
‡ *American State Papers, Military Affairs*, vol. i., p. 455; Adams, *United States*, vol. vii., p. 131; McMaster, vol. iv., p. 39.

|| Brown, *Campaigns of the Northwestern Army*, pp. 60-61.



the British continued the retreat by way of Chatham to a spot on the north bank of the Thames, about a mile from the Moravian Town, where Proctor decided to give battle. The British troops were formed with their left near the road, with their reserve and a 6-pounder between the road and the river, while the Indians were on the right near a swamp.\*

the front line, his right upon the road, his left upon the swamp. The second line, 150 yards to the rear, was composed of General John E. King's brigade; and to the rear, as a reserve, was David Chile's brigade. These three brigades were under command of Major-General William Henry. General Joseph Desha's division, consisting of the brigades under James



Harrison drew up his troops in the following order: General George Trotter's brigade of 500 men formed

Allen, Samuel Caldwell and Simrall was formed *en potence* on the left of General Trotter.\* Harrison ordered Colonel Johnson's regiment to be formed in two columns in front, opposite the enemy (one column under his own command, the other under his

\* Richardson, *War of 1812*, pp. 122, 139; Harrison's report in Fay, *Official Accounts*, p. 136. For a more detailed account of the battle, see McAfee, *History of the Late War*, pp. 380, 398, and Bennett H. Young, *The Battle of the Thames*, in *Filson Club Publications*, no. xviii. (Louisville, 1903). Armstrong (*Notices of the War of 1812*, vol. i., pp. 176-184) makes some severe remarks on Harrison's campaign.

\* Harrison's report in Fay, *Official Accounts*, p. 137. See also Brackenridge, *History of the Late War*, p. 159; Hickman, *Life of Cass*, p. 54.

brother James' command). Upon the advance of the enemy these troops were to take the ground to the left, and fixing upon that flank, endeavor to turn the right of the Indians.\* A corps of 120 regulars and some Indians was stationed between the road and the river to capture the cannon on the road and if possible to gain the rear of the British.†

While this was being done, R. M. Johnson, learning that the British were drawn up in open order, asked leave to charge,‡ and Harrison reluctantly consented. He said that the measure was not sanctioned by anything he had ever heard of, but was convinced that it would succeed.¶ Leaving half the regiment with his brother to take the 6-pound gun on the road, Johnson with the other half wheeled off to the left and crossed the swamp to attack the Indians posted in the wood. James Johnson with his party galloped down the road and charged so furiously that they broke through the British first line and penetrated to the rear of the second, almost capturing Proctor.§ The British soldiers, with the exception of some 50 men who escaped through

the woods, were captured—many of them only wanting an excuse to surrender.\* Meanwhile Richard M. Johnson had been less fortunate. Crossing the swamp to the left, he had been received by the Indians in the underbrush, where the horses could not penetrate. Dismounting his men, Johnson began the fight at close quarters. Early in the battle Johnson himself had been wounded.† but his men finally drove the Indians out of the underbrush, pushed them toward the American left and brought them under the fire of Shelby's infantry. The combat now raged with increasing fury, the Indians seeming determined to maintain their ground. Shelby ordered Lieutenant-Colonel John Donaldson's regiment to support Johnson and directed General King to press forward to the front with his brigade. The terrific fire of the Kentucky rifles had already caused the Indians to recoil and only a part of Donaldson's regiment participated in the fight.‡ It was not long before Tecumseh was killed,¶ and though his followers maintained the struggle for some time, they at last gave way on all sides.§ A running fire was main-

\* Montgomery, *Life of Harrison*, pp. 207-208; Smith, *Life and Times of Lewis Cass*, pp. 76-77.

† Lossing, *War of 1812*, p. 552; Brown, *Campaigns of the Northwestern Army*, p. 69.

‡ Armstrong, *Notices of the War of 1812*, vol. i., p. 232.

¶ Lossing, *War of 1812*, p. 553, note; Harrison's report to the Secretary of War of October 9.

§ Richardson, *War of 1812*, p. 136 *et seq.* Cass asserts that British officers informed him that Proctor fled at the beginning of the action. See Smith, *Life and Times of Lewis Cass*, p. 78.

\* Montgomery, *Life of Harrison*, p. 209; Lossing, *War of 1812*, p. 553.

† Brown, *Campaigns of the Northwestern Army*, pp. 71-72.

‡ Lossing, *War of 1812*, p. 554.

¶ Richardson, *War of 1812*, p. 125. For the controversy as to who killed Tecumseh, see *Historical Magazine*, July, 1866, vol. x., p. 204; *Wisconsin Hist. Collection*, vol. iv., p. 369.

§ Braekenridge, *History of the Late War*, pp. 162-163.





THE BATTLE OF THE THAMES — DEATH OF TECUMSEH.

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tained along the swamp in front of Desha's division and by the fugitives pursued by Major Thompson and his men. Shelby ordered other movements, but the Indians had given up the contest and before these movements could be effected the battle was ended.\* Of the Americans 17 were killed and 30 wounded. The British loss was about the same in killed and wounded, the total number of prisoners taken being 477 and 600 during the whole campaign. The Indians left 33 dead on the field. From the battlefield of the Thames Proctor's shattered army fled 100 miles to Ancaster where on October 17 the fugitives were stopped and about 250 rank and file were mustered.†

So complete had been the defeat of the British that Harrison thenceforward had little anxiety about the district of which he was in command. He returned to Detroit on October 7, with the army following him, and reached Sandwich on October 10, without meeting an enemy. The Kentucky volunteers and the mounted regiment were immediately discharged and a few days after the battle marched homeward.‡ On their departure

Colonel Lewis Cass was left at Detroit, and in October was appointed by the President governor of Michigan Territory.\* Toward the close of October, finding that he could not recover Mackinaw, Harrison transported about 1,300 of his troops to Buffalo to reinforce the army preparing to invade Canada.†

The victories of Perry and Harrison thus brought to a successful conclusion one part of Armstrong's plans; but the other part, which depended for execution on Dearborn, Chauncey, and Wilkinson, was doomed to utter failure. Dearborn was to gather 3,000 troops at Buffalo and 4,000 at Sackett's Harbor, and as soon as the river and lake were free of ice, was to proceed against Kingston.‡ Dearborn's troops were to be conveyed by Chauncey's fleet to Kingston and, having captured that place, were to go to York (now Toronto), burn two ships on the stocks, hasten to Buffalo, and join the force there to attack the British on the Niagara River.|| To keep the St. Lawrence open was a matter of prime importance to the Canadians, since the river was the only communication between Upper and Lower Canada, and no British

\* Lossing, *War of 1812*, p. 554.

† Richardson, *War of 1812*, p. 129. McMullen (*History of Canada*, p. 288) gives the number as 240. Lossing says 256. For other accounts of the battle, see Ingersoll, *History of the Second War*, chap. vi.; Dawson, *Battles of the United States*, vol. ii., p. 291; *Harper's Magazine*, vol. xxvii., p. 301; *Biographical Sketch of Col. R. M. Johnson* (supposed to be by Asahel Langworthy, New York, 1843).

‡Slocum, *The Ohio Country*, pp. 290-291.

\* McLaughlin, *Life of Cass*, p. 86; Smith, *Life and Times of Lewis Cass*, pp. 81-82; Hickman, *Life of Cass*, p. 73.

† *American State Papers, Military Affairs*, vol. i., p. 456.

‡ Armstrong to Dearborn, February 10, 1813, *American State Papers, Military Affairs*, vol. i., pp. 439-440.

|| Armstrong, *Notices of the War of 1812*, vol. i., p. 221.



force could remain in safety or maintain itself in Upper Canada without ready communication with the lower province.

Early in the war an enterprising officer, Major Benjamin Forsyth, had carried on a troublesome system of annoyance from Ogdensburg. On February 6, 1813, taking a part of his riflemen and a few volunteers, numbering about 200 men in all, he crossed the St. Lawrence, surprised the guard at Elizabethtown, took 52 prisoners, and captured 120 muskets, 20 rifles, and other munitions of war, without the loss of a single man.\* Shortly afterward (February 22, 1813), Major MacDonnell retaliated by attacking Ogdensburg with a force of about 500 men.† After an hour of severe fighting the Americans were compelled to withdraw, abandoning their artillery and stores to the British. Two schooners, two gunboats, and the barracks were committed to the flames, MacDonnell retiring in safety, with a loss of 8 killed and 52 wounded.‡ This affair closed hostilities in that region and shortly afterward Forsyth was ordered to Sackett's Harbor.||

\* Lossing, *War of 1812*, pp. 576-577; Armstrong, *Notices of the War of 1812*, vol. i., p. 121; Brackenridge, *History of the Late War*, p. 103.

† McMullen (*History of Canada*, p. 272) says 480. Lossing (p. 578) says there were two columns of 300 and 500 regulars and militia, respectively. Brackenridge (*History of the Late War*, p. 103) says 1,200 men.

‡ Lossing (p. 581) gives the British loss as 6 killed and 48 wounded and the American loss as 5 killed, 15 wounded and 52 prisoners.

|| Bradley, *The Making of Canada*, pp. 327-328; Lossing, p. 585.

Dearborn received his instructions from Armstrong at Albany and replied on February 18 that he would use his best endeavors to carry the plans into effect. Orders were given to concentrate the united force at Sackett's Harbor and he then hastened there himself. He evidently did not approve Armstrong's plan of campaign and wished to change it, an idea in which he was supported by Chauncey.\* The latter consulted with Dearborn and the two devised a new scheme, which Dearborn explained to Armstrong on March 20. Sir George Prevost had come to Kingston, where there were then less than 450 British troops.† but on March 9 Dearborn reported to Armstrong that the British force there concentrated was between 6,000 and 7,000, including 3,000 regulars.‡ As he had but 4,000 troops, Dearborn said it would be folly to attack the place and suggested to Armstrong that the plan of campaign be exactly reversed — beginning at York and ending at Kingston. He said that to take or destroy the armed vessels at York would give the Americans complete command of the lake. Chauncey could take with him 1,000 or 1,200 troops under Zebulon M. Pike, capture York, proceed to Niagara, lay siege to Fort George by land and water, and wait there until the troops at Buffalo, having

\* Mahan, *War of 1812*, vol. ii., pp. 31-35.

† Adams, *United States*, vol. vii., p. 151.

‡ *American State Papers, Military Affairs*, p. 441.

captured Forts Erie and Chippawa, should join them, when the whole force could then move to Kingston.\* Supposing that Dearborn had accurately stated Prevost's force at Kingston, Armstrong acquiesced in the plan† and on April 25 the fleet set sail.

Both British and American commanders had been busy during the early spring preparing for a summer cruise. Sir James Lucas Yeo had replaced Earle in command, and his squadron numbered six vessels with 92 guns and 770 sailors.‡ By purchasing merchantmen and building schooners and brigs Chauncey had gathered a fleet of 14 vessels of all kinds, carrying 112 guns and 980 sailors.¶ The actual fighting force of

the two fleets was about the same, but the Americans possessed a great advantage in having more long guns; the American fleet threw 694 pounds of metal at long range and 563 at short range, whereas the British three only 180 pounds from their long guns and 1,194 from their short ones. Thus at long range the Americans were immensely superior. But the difference between the two fleets was not so great, because the British ships were well constructed and fast sailers, while many of the smaller American craft were cranky in a breeze that was sufficiently heavy to move the larger ships.\* Nevertheless, taking Dearborn, Pike and 1,600

\* Dearborn to Armstrong, March 16, 1813, *American State Papers, Military Affairs*, vol. i., p. 442.

† Armstrong to Dearborn, March 29 and April 19, 1813, *American State Papers, Military Affairs*, vol. i., pp. 442-443. See also Armstrong, *Notices of the War of 1812*, vol. i., pp. 128-129.

‡ According to Roosevelt (*Naval War of 1812*, p. 224) the fleet consisted of the *General Wolfe*, 2 long 24's, 8 long 18's, 4 short 68's, 10 short 32's, throwing 392 pounds to the broadside; the *Royal George*, 3 long 18's, 2 short 68's, 16 short 32's, 360 pounds; the *Melville*, 2 short 18's, 12 short 32's, 210 pounds; the *Duke of Moira*, 2 long 9's, 12 short 24's, 153 pounds; the *Sidney Smith*, 2 long 12's, 10 short 32's, 172 pounds; the *Beresford*, 1 long 24, 1 long 9, 6 short 18's, 87 pounds; a total of 92 guns throwing 1,374 pounds. Mac- lay, however, (*History of the Navy*, vol. i., p. 478) says that the fleet consisted of the *General Wolfe*, 24; the *Royal George*, 22; the *Prince Regent*, 16; the *Earl of Moira*, 14; the *Melville*, 14; the *Duke of Gloucester*, 14; the *Simcoe*, 12; the *Sidney Smith*, 12; the *Beresford*, 8; and the *Seneca*; 4.

¶ The fleet consisted of the *Madison*, 24; the *Oncida*, 16; the *Fair American*, 2; the *Hamilton*, 9; the *Governor Tompkins*, 6; the *Conquest*, 3;

the *Asp*, 2; the *Pert*, 3; the *Julia*, 2; the *Growler*, 2; the *Ontario*, 2; the *Scourge*, 10; the *Lady of the Lake*, 3; and the *Raven*, a transport (Cooper, *Naval History*, vol. ii., p. 161; Maclay, *History of the Navy*, vol. i., p. 479). Roosevelt (*Naval War of 1812*, p. 223) makes the armament as follows: the *Madison*, 24 short 32's, throwing 364 pounds to the broadside; the *Oncida*, 16 short 24's, 172 pounds; the *Hamilton*, 1 long 32, 1 long 24, 8 long 6's, 80 pounds; the *Scourge*, 1 long 32, 8 short 12's, 80 pounds; the *Conquest*, 1 long 32, 1 long 12, 4 long 6's, 56 pounds; the *Governor Tompkins*, 1 long 32, 1 long 12, 6 long 6's, 62 pounds; the *Julia*, 1 long 32, 1 long 12, 44 pounds; the *Growler*, 1 long 32, 1 long 12, 44 pounds; the *Ontario*, 1 long 32, 1 long 12, 44 pounds; the *Fair American*, 1 long 24, 1 long 12, 36 pounds; the *Pert*, 1 long 24, 24 pounds; the *Asp*, 1 long 24, 24 pounds; the *Lady of the Lake*, 1 long 9, 9 pounds. To this he adds the *General Pike*, 28 long 24's, 360 pounds, making a total of 14 vessels of 2,576 tons, 980 in crew, 112 guns, throwing a combined broadside of 1,399 pounds. But he points out that the *Lady of the Lake* was merely a dispatch boat and the *Scourge* and the *Hamilton* were both lost before Chauncey met Yeo, thus reducing his squadron to 11 vessels with 92 guns, throwing 1,230 pounds.

\* Roosevelt, *Naval War of 1812*, pp. 225-227.

troops aboard, Channey with his 12 ships\* set sail for York, and on the morning of April 27 appeared in front of that place.†

Under the fire of the fleet and riflemen, the debarkation of the troops commenced at eight o'clock and was completed at ten. On discovering the fleet, the British garrison of 600 regulars and militia‡ under Major-General Sheaffe made the necessary dispositions to oppose the landing of the American forces. Forsyth, with his riflemen, was the first on shore and at once attacked the British; General Pike soon followed and ably sustained the advance corps, driving back the British who took refuge behind the works of the town.¶ After destroying one of the enemy's batteries, the American troops had marched within 60 yards of the enemy's main works, when a powder magazine a short distance away was exploded by the British.§ This filled the air in every direction with huge stones and fragments of wood which, falling among the troops, caused dreadful havoc,

about 40 British and 100 Americans being killed, General Pike being among those mortally wounded.\* After a sharp resistance, all the regulars who remained unhurt (about 200 in number) fled with Sheaffe toward Kingston,† but the militia capitulated.‡ The victors seized large quantities of valuable stores, the 24-gun ship on the stocks was burned, the 10-gun brig *Gloucester* was made prize,|| some 300 prisoners were taken, and the public buildings (including the two government houses) set afire. According to Dearborn, this last act was done without his knowledge and against his orders, and was the deed of some private soldiers.§ Nevertheless, at a late period of the war the British regarded this act as ground

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tifies the blowing up of the magazine at York and says: "Acts of this kind are perfectly legitimate in warfare, and of frequent occurrence." He says also that it was "only a subject of regret that the whole [American] column was not blown up."

\* Dearborn to Armstrong, April 28, 1813, *American State Papers, Military Affairs*, vol. i., p. 443; Brannan, *Official Letters*, pp. 148-149; Fay, *Official Accounts*, pp. 81-83. See also Henry Whiting, *Life of Zebulon Montgomery Pike*, chaps. v.-vi., in Sparks, *Library of American Biography*, 2d ser., vol. v.; Chauncey's account in Brannan, *Official Letters*, pp. 146-147. Lossing (*War of 1812*, p. 589) says 52 Americans were killed and 180 wounded.

† Bradley, *The Making of Canada*, p. 330.

‡ The terms of capitulation are in Fay, *Official Accounts*, pp. 85-86.

¶ Cooper, *Naval History*, vol. ii., pp. 161-162; Roosevelt, *Naval War of 1812*, pp. 229-230; Spears, *History of Our Navy*, vol. ii., pp. 339-342.

§ See Dearborn's letter of October 17, 1814, *Niles' Weekly Register*, vol. viii., p. 36.

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\* The *Fair American* and the *Pert* were stationed off Kingston to watch the enemy (Maclay, p. 480).

† McMaster, vol. iv., pp. 42-43; Lossing, *War of 1812*, p. 586.

‡ Bradley, *The Making of Canada*, p. 330.

¶ Brackenridge, *History of the Late War*, pp. 105-106; Lossing, *War of 1812*, pp. 587-588; Armstrong, *Notices of the War of 1812*, vol. i., pp. 130-131.

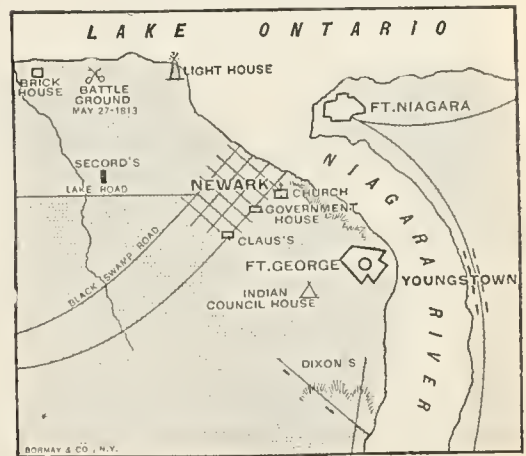
§ McMullen, *History of Canada*, p. 274. In speaking of the explosion of the magazine at Fort Erie later, Bradley, while admitting that it was legitimate, speaks rather sneeringly of this mode of warfare. McMullen, however, jus-



for retaliation.\* The loss of the Americans in the battle or by the explosion was about 320 killed and wounded, while the British loss was 90 killed, 200 wounded, and 300 prisoners.†

For a week after the capitulation the fleet was kept in port by bad weather, and not until May 8 were the troops disembarked at Niagara on their way to Fort George. According to Dearborn's report of May 13, the troops were in a very sickly and depressed state, a large proportion of the officers and men being ill and debilitated.‡ Fort George should have been taken at once, and could have been, since it was defended by not more than 1,500 troops,|| in addition to 600 militia and 100 Indians, while Dearborn had gathered at Niagara 4,500 troops and had, moreover, the

aid of Chauncey and the fleet. Dearborn now fell ill and fortunately Winfield Scott assumed command of the expedition. He undertook to carry out Van Rensselaer's old plan of sailing down the river and attacking Fort George from the rear. Accordingly, on May 26, Chauncey, accompanied by Perry, made a careful reconnaissance\* and early on the morning of the 27th the fleet weighed anchor.† Taking



the position designated by Chauncey, the ships opened a terrific fire of grape which so completely enfiladed and scoured the plains that it became impossible for the British to approach the beach. Hence the British general,

1,000, a few gunners, 350 militia, and a handful of Indians. McMullen (*History of Canada*, p. 276) says Vincent had scarcely 1,400 men, but later adds that he found it useless to oppose a force "ten times his own in point of numbers," which is absurd.

\* Mackenzie, *Life of Perry*, vol. i., pp. 138-139.

† Only the Growler, Julia, Ontario, Hamilton, Asp, Scourge, Governor Tompkins, and Conquest participated in the attack, as the water was too shallow to permit the approach of the heavier vessels.

\* Although, as Monroe says, "The silence of the military and civil officers of the provincial Government of Canada seems to indicate that the transaction was not deemed, when it occurred, a cause either for retaliation or reproach."—*American State Papers, Foreign Relations*, vol. iii., p. 752.

† Dearborn's report, *American State Papers, Military Affairs*, vol. i., p. 444; Adams, *United States*, vol. vii., pp. 154-155; McMaster, vol. iv., pp. 43-44. See also Dawson, *Battles of the United States*, vol. ii., p. 214. Lossing (*War of 1812*, p. 591) gives the American loss as 66 killed and 203 wounded on land and 17 killed and wounded on the fleet; and the British loss as 60 killed, 89 wounded and 290 prisoners besides the militia. Brackenridge (*History of the Late War*, pp. 111-112) gives different statistics.

‡ *American State Papers, Military Affairs*, vol. i., p. 444.

|| James (*Military Occurrences*, vol. i., p. 151) says there were only 1,000 regulars, while Lossing (*War of 1812*, p. 596) says 1,800. Bradley (*The Making of Canada*, p. 331) says a scant

John Vincent, could only await the attack.\* Scott, at the head of the advance division, then landed, followed by the brigades of John Chandler and William H. Winder, and after a sharp skirmish the British were driven along the lakeshore.† Vincent ordered the fort to be evacuated, the guns to be spiked, and the ammunition destroyed; then, with the whole force under his command, retreated by way of Vrooman's and St. David's to a strong position in the hills, at a place called Beaver Dams, about 16 miles distant. On the following morning he continued his march toward the head of the lake.‡ In this engagement the British lost 51 killed and 305 wounded or missing, while several hundred militia were captured in the retreat; the Americans lost 39 killed and 120 wounded.||

With an energetic commander, the advantage secured by the American

troops would have been followed up, but Dearborn waited five days before stirring and then only sent General Winder with about 800 or 1,000 men to pursue Vincent.\* After marching 20 miles, Winder halted and sent back for reinforcements, which reached him on June 5 under General Chandler. Assuming command of the army now supposed to number 2,000 men,† Chandler marched to Stony Creek, within 10 miles of Vincent's position at Hamilton and encamped. As soon as Vincent learned of Winder's advance, he took 750 troops and attacked the American camp at about 2 o'clock on the morning of June 6. So complete was the surprise that the main guard were captured without a struggle,‡ as would the whole force, had not the Indians raised the usual warwhoop upon entering the camp.|| Several irregular conflicts took place in which some were killed and others wounded,

\* Cooper, *Naval History*, vol. ii., p. 162-163; Roosevelt, *Naval War of 1812*, p. 231; Mackenzie, *Life of Perry*, vol. i., pp. 142-145.

† Dearborn's reports, *American State Papers, Military Affairs*, vol. i., pp. 444-445; Wright, *Life of Scott*, pp. 24-26; Lossing, *War of 1812*, pp. 597-599; Mansfield, *Life of Scott*, pp. 78-81. Scott was one of the first to enter the fort after the gate had been forced, and personally hauled down the British flag.

‡ Bradley, *The Making of Canada*, pp. 332-333. See also the reports in Fay, *Official Accounts*, pp. 95-103 and in Brannan, *Official Letters*, pp. 161-162.

|| Roosevelt (p. 232) gives the British loss as 52 regulars killed, 44 wounded, and 262 "wounded and missing," besides 40 Canadians and Indians placed *hors de combat*, and nearly 500 militia captured, while the Americans lost 18 soldiers and sailors killed and 47 wounded. Lossing (*War of 1812*, p. 600) gives the American loss as 40 killed and 100 wounded, and the British loss as

51 regulars killed and 305 wounded, missing and prisoners and 507 militia captured. Brackenridge (*History of the Late War*, p. 115) gives other statistics.

\* Armstrong, *Notices of the War of 1812*, vol. i., pp. 134-136.

† McMullen (*History of Canada*, p. 279) says the force consisted of 3,000 infantry, 250 cavalry, and nine field-pieces. Lossing (*War of 1812*, p. 601) says Winder originally had about 800 men and was reinforced by Chandler with 500, making a total of 1,300.

‡ Lossing (*War of 1812*, pp. 602-603) says that one of the inhabitants of the neighborhood treacherously joined the American forces and, having obtained the countersign for the night, deserted to the British, thus enabling Vincent to secure the sentinels without giving alarm.

|| Bradley (*The Making of Canada*, p. 334) says it was the British soldiers who shouted. See also Brackenridge, *History of the Late War*, p. 117.



1. FORT NIAGARA FROM THE BRITISH SIDE OF THE RIVER AT NEWARK.  
2. THE CAPTURE OF FORT GEORGE (Winfield Scott leading the attack).





but in the darkness and confusion friend from foe could not be distinguished. Intending to take command of his artillery, General Chandler found himself in the midst of a British party and was made prisoner, General Winder making the same mistake a few minutes afterward.\* Colonel Vincent lost his way, too, in the confusion of the night and wandered a considerable distance, being found the next day without a sword or hat.† The British suffered severely, reporting 23 killed, 134 prisoners, 55 missing.‡ The American loss was 17 killed, 38 wounded and 100 missing. Had the Americans pursued at once, they might have captured the enemy, but Colonel James Burns, then in command, after consulting the other officers, deemed it prudent to fall back and, abandoning the baggage and leaving their dead unburied, the troops retired 10 miles up Forty Mile Creek. There they were joined by Colonel James Miller's regiment, which had been sent to secure the boats, and by Generals Morgan Lewis and John P. Boyd, the former assuming command.¶ At six o'clock that evening, shortly after Lewis had taken

command, the fleet under Sir James Yeo made its appearance and threatened to cut off Lewis' retreat. Dearborn therefore directed him to return, the division reaching Fort George on the morning of June 8.\*

Matters now went from bad to worse. Dearborn was prostrated both in mind and body,† and on June 10 Scott issued orders placing General Morgan Lewis in temporary command, not only of the Niagara army, but also of the entire ninth military district.‡ Lewis immediately departed for Sackett's Harbor and for a few days General Boyd was left in command at Niagara. Desirous of doing something to win military glory, Boyd, on June 23, with Dearborn's approval, sent Colonel C. G. Boerstler with about 400 men of the 14th Infantry|| and two guns to dislodge a British picket at Beaver Dams, about 18 miles from Fort George, to collect provisions, and to watch such of the

\* Armstrong, *Notices of the War of 1812*, vol. i., pp. 140-141; Adams, *United States*, vol. vii., pp. 159-161; McMaster, vol. iv., p. 45; Bradley, *The Making of Canada*, p. 334.

† Dearborn to Armstrong, June 8 and 20, 1813, *American State Papers, Military Affairs*, vol. i., pp. 445-449; Lewis to Armstrong, June 14, *ibid.*, p. 446, also in Brannan, *Official Letters*, p. 165.

‡ *American State Papers, Military Affairs*, vol. i., p. 447.

¶ The above figures are those of Adams, *United States*, vol. vii., p. 162. McMullen (*History of Canada*, p. 281) gives this force as 600. Lossing (*War of 1812*, p. 619) says 570 and some artillerymen. In his report Dearborn also says 570 (*American State Papers, Military Affairs*, vol. i., p. 449; Fay, *Official Accounts*, pp. 112-113); Armstrong (*Notices of the War of 1812*, vol. i., p. 142) says 600.

\* *American State Papers, Military Affairs*, vol. i., pp. 445, 447-448; Braekenridge, *History of the Late War*, p. 118; Chandler's report in Brannan, *Official Letters*, pp. 169-171.

† Lewis' report to Armstrong in Brannan, *Official Letters*, p. 165. See also Lossing, *War of 1812*, pp. 603-604; Armstrong, *Notices of the War of 1812*, vol. i., p. 139.

‡ McMullen (*History of Canada*, p. 280) gives the loss as 23 killed and 192 wounded and missing.

|| Lossing, *War of 1812*, p. 604.



Canadians as were friendly to the United States. Early on the morning of June 24 Boerstler began the march, but while on his way through the woods found himself surrounded by a band of hostile Indians and a few of the 49th Regiment,\* numbering, according to British authorities, not more 200.† Boerstler attempted to retreat, but found himself cut off by a body of militia said to have numbered only 15. Unable to extricate himself and, dreading dispersion and massacre, he surrendered his command of over 500 men with two guns.‡

While these "unfortunate and unaccountable events" were occurring at the head of the lake, a worse disaster (due equally to Dearborn and Chauncey) occurred at the foot of Ontario. On embarking for York, Dearborn had left Sackett's Harbor in a defenceless condition, the garrison numbering only 400 regulars and 250 volunteers.¶ This induced Sir George Prevost to attempt its reduction. Accordingly, on the night of May 26-27,

while Dearborn was preparing to capture Fort George, Prevost embarked his whole regular force of about 800 men on board the fleet of Yeo,\* sailed from Kingston, and soon came in sight of Sackett's Harbor.† General Jacob Brown, of the New York Militia, who was in command at the Harbor, detached Colonel Mills with the militia (whom he strictly charged to reserve their fire) and the Albany volunteers to oppose the landing of the British. Behind this force of 500 militia he drew up a second line of regulars.‡ In the rear of the regulars at the edge of the village was a blockhouse flanked by a log barrack and breastworks of fallen timber.

At dawn of May 29 the British troops, under Colonel Edward Baynes, landed and moved rapidly forward without stopping to fire. Although facing an attacking force of only 400 or 500, the militia became panic-stricken and were driven back, Colonel Mills losing his life in attempting to rally them.¶ The British then forced the second line back until they reached the blockhouse, where 300 or 400 regulars resisted so desper-

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\* Bradley (*The Making of Canada*, p. 335) says that the British officers were warned of Boerstler's intended movements by Laura Secord, who overheard some American officers at Queens-ton discussing Boerstler's proposal. See also McMullen, *History of Canada*, p. 281; Lossing, *War of 1812*, p. 621.

† Lossing (*War of 1812*, p. 620) says that this force was 450 strong. Dearborn says 150 to 200 militia, 50 to 60 Indians, and 80 regulars (*American State Papers, Military Affairs*, vol. i., p. 449; and Brannan, *Official Letters*, pp. 173-174).

‡ McMaster, vol. iv., p. 45; Adams, *United States*, vol. vii., pp. 162-163.

¶ Lossing (*War of 1812*, p. 607) gives this force as 250 regulars, 50 or 60 artillerymen and about 80 or 100 infantry.

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\* Which, according to Roosevelt (*Naval War of 1812*, p. 233), consisted of the *General Wolfe*, *Royal George*, *Duke of Moira*, *Prince Regent*, *Simcoe*, and *Seneca*, with a large number of gunboats, barges and batteaux. Lossing (*War of 1812*, p. 609) places the British force at 1,000 or 1,200.

† Maclay, *History of the Navy*, vol. i., p. 481.

‡ Armstrong, *Notices of the War of 1812*, vol. i., p. 145.

¶ *Life of General Brown*, pp. 36-38; Lossing, *War of 1812*, p. 610. See, however, Wilkinson's *Memoirs*, vol. i., pp. 582-584, 634-638.

ately that the British found it impossible to take the works. Meanwhile Brown, having succeeded in rallying about 100 of the fugitives, made so furious an attack upon the British rear that the bravest of the British recoiled.\* Thereupon Baynes ordered the troops to fall back.† According to some British authorities, the British loss was 44 killed, 172 wounded, and 13 missing — in all 229 men, or nearly one-third of the rank and file. The loss in officers was relatively more severe, so that the total loss was 259 killed, wounded, and missing.‡ During the battle the naval lieutenant in charge of the ship-yard, being told that the battle was lost, set fire to the naval barracks, burning the store-houses, according to previous agreement, and the fire was not extinguished until great damage had been done.¶ For his conduct Brown was made brigadier-general in the regular army.§

Yeo then returned to Kingston and during the next month and a half re-

\* *Life of General Brown*, p. 42 *et seq.*; Brackenridge, *History of the Late War*, p. 121.

† Armstrong, *Notices of the War of 1812*, p. 147; Lossing, *War of 1812*, pp. 611-612.

‡ McMullen (*History of Canada*, p. 279) gives the British loss as 48 men and 12 officers killed and nearly 200 men wounded.

¶ Maclay (*History of the Navy*, vol. i., pp. 481-482) says that the *General Pike*, then on the stocks, was set afire, but, being of green wood, was saved. Roosevelt (*Naval War of 1812*, p. 234) and Lossing (*War of 1812*, p. 613) say the *Gloucester* was set afire but was saved.

§ Adams, *United States*, vol. vii., pp. 163-171; McMaster, vol. iv., pp. 45-47. See also Dawson, *Battles of the United States*, vol. ii., p. 235; *Some Account of Gen. Prevost*, app., p. 161.

mained quiet. On August 3 he sailed with his squadron and soon hove in sight of Chauncey's fleet at anchor off Fort Niagara. The two fleets then passed several days in a series of manœuvres which each commander afterward declared were intended to bring on a battle. After four days of such harmless movements, the British squadron, during a brisk engagement, cut off and captured two of Chauncey's schooners (the *Growler* and the *Julia*) and sailed away with the American fleet in pursuit. After exchanging a few shots the American vessels stood about and returned to port.\* No general engagement occurred, however, until six weeks later (September 28), when the two fleets met in York Bay. On that occasion the American fleet attacked. After some manœuvring, the *Governor Tompkins*, the *General Pike*, and the *Asp* got within range, and poured in a destructive fire that soon carried away the main and mizzan topmast and main yard of the *General Wolfe*, which then took to her heels.† The other British vessels followed and, as the Americans were not fast enough to overtake them, the pursuit was abandoned.‡ In this engagement the

\* Chauncey's report in Brannan, *Official Letters*, pp. 195-198; Roosevelt, *Naval War of 1812*, pp. 236-242; Cooper, *Naval History*, vol. ii., pp. 172-178; Maclay, *History of the Navy*, vol. i., pp. 483-486; Lossing, *War of 1812*, pp. 643-644; Brackenridge, *History of the Late War*, pp. 125-126; Mahan, *War of 1812*, vol. ii., p. 55 *et seq.*

† Chauncey's report in Fay, *Official Accounts*, pp. 130-131; Roosevelt, *Naval War of 1812*, pp. 245-247.

‡ Lossing, *War of 1812*, pp. 644-645; Chaun-

*Madison* was slightly injured, the main topmast of the *Oneida* was shattered, the *Governor Tompkins* lost her foremast, and the main topgallant mast of the *General Pike* was carried away and her hull was damaged. Four of her guns were cracked and by the explosion of one, 22 of her crew were killed or wounded.\* Yeo fled to Kingston, where he was blockaded until Harrison's army, after its victory at the Thames, had been brought in transports from Genessee to Sackett's Harbor.† On October 5 Chauncey recaptured the *Growler* and the *Julia*.‡

On land the contest between the British and American armies was little more than a war of posts. On July 8 a severe skirmish occurred, but without material result to either side;|| on July 11 the British attacked Black Rock, but were repulsed with a loss of 9 men and their commander;§ on July 28 an expedition was undertaken against York, which had been recaptured by the British after the battle of Stony Creek. Winfield Scott

cey's report in Brannan, *Official Letters*, pp. 225-227.

\* Maclay, *History of the Navy*, vol. i., p. 486.

† McMaster, vol. iv., pp. 46-48; Cooper, *Naval History*, vol. ii., p. 178 *et seq.*; Roosevelt, *Naval War of 1812*, pp. 249, 251; Fay, *Official Accounts*, pp. 131-133.

‡ Chauncey's report in Fay, *Official Accounts*, pp. 129-130, and in Brannan *Official Letters*, pp. 231-232; Maclay, p. 486; Roosevelt, pp. 250-251.

|| Lossing, *War of 1812*, p. 626.

§ Brackenridge, *History of the Late War*, p. 124. McMullen (*History of Canada*, p. 282) says that the total loss was 14, while Lossing (p. 627) gives the loss as 9 killed and 16 prisoners.

with 300 men embarked in Chauncey's fleet and landing suddenly at that place, destroyed the barracks, storehouses, 11 transports, a number of cannon, and other property, and released a number of Boerstler's men, returning to Sackett's Harbor on August 3 with but trifling loss.\*

The long series of disasters could not but affect Dearborn's status; yet, though his unfitness to command had been manifest for some time, he was not retired by Armstrong until July 6.† General Boyd took command of the forces at the fort until the latter part of August, when General Wilkinson assumed command. The latter received Dearborn's letter on May 19‡ and leisurely journeyed to Washington, where he arrived on July 31.|| Wilkinson left Washington on August 11, and on reaching Albany (on August 16) wrote two letters to Hampton, assuming that the movements of the latter were directly dependent on his orders,§ though Hampton had accepted his command on the condition that his orders were to come only from the War Department.¶ Considering the relations between the two men, these letters warranted the inference that Wilkinson intended to drive Hampton not only out of the district, but entirely out of the serv-

\* Lossing, *War of 1812*, pp. 628-629; Brackenridge, *History of the Late War*, pp. 124-125.

† Armstrong, *Notices of the War of 1812*, vol. i., pp. 150-151.

‡ Wilkinson's *Memoirs*, vol. iii., p. 341.

|| Lossing, *War of 1812*, p. 629.

§ Wilkinson's *Memoirs*, vol. iii., App. xxxv.

¶ Adams, *United States*, vol. vii., pp. 174-175.



ice. Hampton was furious, and threatened to resign,\* but later agreed to serve through the campaign, though he announced his intention of resigning as soon as that was ended.†

Having provoked this outburst at Albany, Wilkinson traveled by easy stages to Sackett's Harbor, which he reached on August 20. On the 28th he called a council of war, which was attended by Morgan Lewis, Commodore Chanucey, Jacob Brown, and the quartermaster-general, Robert Swartwout, a brother of Burr's old friend. After discussing various plans, the council unanimously decided in favor of that called Number Three.‡ According to this plan, the army and navy were to concentrate at Sackett's Harbor, make a feint upon Kingston, descend the St. Lawrence, cut off the supplies of the enemy, sweep the St. Lawrence of naval craft, form a junction with General Hampton at some designated point on the river, and then, with the united force, proceed to an attack on Montreal. On August 25 orders were issued to provide river transportation for 7,000 men, 40 field-pieces, and 20 heavy guns, all to be in readiness by September 15.¶ As some weeks must

elapse before the transports and troops would be ready, Wilkinson went to Niagara, where he arrived on September 4.\* Finding the army there in poor condition, he remained a month making the necessary preparation for removal. He fell ill of a fever, but on October 2 returned to Sackett's Harbor, taking with him all the regular troops at Niagara.† Upon his return to Sackett's Harbor, he found that Armstrong had arrived there on September 5 and established a war department on the frontier. The latter's appearance instantly aroused the jealous rage of Wilkinson and soon the trouble between the two became serious. According to Wilkinson, he informed Armstrong that he was incapable of commanding and offered to retire, but the Secretary said that he could not be spared.‡ Neither Armstrong nor Wilkinson believed that Montreal could be taken and each attempted to shift on the other the responsibility for the future. Whatever Armstrong suggested Wilkinson opposed. Upon his first arrival at Sackett's Harbor, Wilkinson had favored attacking Kingston, but on learning in October that Armstrong also favored this, he veered around and disapproved, arguing against his own judgment in favor of passing Kingston and hurrying on to

\* Wilkinson's *Memoirs*, vol. iii., app. xxxvi.

† *Ibid.*, vol. iii., app. xxxvii.; *American State Papers, Military Affairs*, vol. i., p. 466. See also McMaster, vol. iv., pp. 49-50; Adams, *United States*, vol. vii., pp. 176-177.

‡ Armstrong, *Notices of the War of 1812*, vol. ii., pp. 33, 188; *American State Papers, Military Affairs*, vol. i., p. 463; Wilkinson's *Memoirs*, vol. iii., pp. 184-187; Brannan, *Official Letters*, pp. 186-190.

¶ Wilkinson's *Memoirs*, vol. iii., p. 51.

\* *American State Papers, Military Affairs*, vol. i., p. 466; Lossing, *War of 1812*, p. 631.

† Wilkinson's *Memoirs*, vol. i., pp. 587-588; vol. iii., pp. 54-55.

‡ *Ibid.*, vol. iii., pp. 354-357.

Montreal.\* Ten days afterward Armstrong changed his mind. On October 19, when Yeo had returned to Kingston with reinforcements, Armstrong wrote to Wilkinson advising the abandonment of the project against Kingston and suggesting an attack on Montreal.† As Armstrong veered toward Montreal, Wilkinson turned toward Kingston, and on the same day wrote to Armstrong saying that he would not abandon the attack on Kingston unless Armstrong, by the authority of the President, directed him to do so.‡

About the middle of October of 1813 all the available troops in the vicinity of Lake Ontario, altogether not exceeding 7,000 or 8,000 men, were concentrated at Sackett's Harbor.¶ The army was divided into four brigades under Boyd, Swartwout, Jacob Brown, and Leonard Covington; the brigades of Boyd and Covington formed a division under command of General Morgan Lewis; the second division was intended for General Hampton; and a reserve under Colonel Alexander Macomb and some artillery under Brigadier-General Moses Porter completed the organization.§ On October 17 the

troops were embarked at Henderson's Bay and made for Grenadier Island at the entrance of the St. Lawrence, about 18 miles distant. A wind storm lasting three days dispersed the bateaux, and the last detachment did not reach the island until November 3.\* On November 5 the expedition, numbering nearly 300 boats, entered the river, halted about midnight a little above Ogdensburg, spent the next day running past the British batteries at Prescott, and on the night of November 7 reached White House, 20 miles below Ogdensburg. There on the 7th Colonel Macomb with 1,200 men was landed on the Canadian shore to disperse a body of troops under Captain W. H. Mulcaster. Macomb was soon followed by Forsyth and his riflemen who did excellent service in Macomb's rear. The council in the meantime having decided to push on, General Brown's brigade was landed on the north shore to reinforce General Macomb and to march ahead of the fleet and clear the bank, while General Boyd with the remainder of the troops protected the rear.† In this way the expedition went slowly down the river, making only 12 miles a day until on the night of November 10 the flotilla halted at a place called Chrystler's Farm.

\* Wilkinson's *Memoirs*, vol. iii., pp. 351-353, 190-191; *American State Papers, Military Affairs*, vol. i., pp. 470-471.

† *American State Papers, Military Affairs*, vol. i., pp. 471-472.

‡ *Ibid.* p. 472. See also Armstrong, *Notices of the War of 1812*, vol. ii., p. 32 *et seq.*

¶ Brackenridge, *History of the Late War*, pp. 168-169.

§ Wilkinson's *Memoirs*, vol. iii., p. 126.

\* Lossing, *War of 1812*, pp. 646-647.

† McMullen, *History of Canada*, p. 289; Lossing, *War of 1812*, pp. 650-651; Armstrong, *Notices*, vol. ii., p. 14; Brackenridge, *History of the Late War*, pp. 170-171.



The next morning (November 11), the British were seen advancing in column.\* Wilkinson was on his boat unable to leave his bed,† Morgan Lewis was sick, Forsyth was wounded, and Brown and Scott were far in advance.‡ Thus Boyd was left to fight the battle alone and made an obstinate but disunited and poorly supported attempt to crush the enemy. He led his detachment forward in three columns and directed a part of General Swartwout's brigade to move forward and bring the enemy into action. Accordingly, at the head of the 21st Regiment, Colonel Eleazer W. Ripley and Swartwout passed the wood which skirted the open ground called Chrystler's Farm, drove in the British skirmishers, and at 2.30 the battle became general.¶ Meanwhile General Covington had advanced upon the right (the enemy's left), where the enemy's artillery was posted, and while Colonel Ripley was assailing the left flank, Covington forced the right by a determined onset. Success seemed to be in the hands of the Americans, when, unfortunately, General Covington was shot by the British

sharpshooters.\* Notwithstanding his fall, the American troops sustained the action for more than two hours with great bravery until their ammunition began to fail. Moreover, by a movement of the British the American infantry (left to cover the retreat) were dislodged and the whole American line fell back, beaten and almost routed. At this time, however, Lieutenant-Colonel Timothy Upham of the 21st Regiment came up with 600 men, and taking position on the ground whence Boyd's troops had been driven, attacked the enemy, drove them back and saved the day. Boyd then reformed his line on the edge of the woods and awaited another attack, but none was made.

Statements as to the numbers engaged vary greatly. Boyd said that he had not more than 1,200 men and two field-pieces under his immediate command on the shore;‡ the reserve contained 600 rank and file with four field-pieces. Wilkinson says that from 1,600 to 1,800 were engaged,§ Swartwout thought that 2,100 were in action; and Armstrong says not more than 1,600 or 1,700;|| it is certain that the American force was about 2,000 with six field-pieces. On the other hand, the British forces consisted of 800 rank and file, and 30 Indians, with

\* *American State Papers, Military Affairs*, vol. i., p. 478. Armstrong (*Notices of the War of 1812*, vol. ii., p. 211) cites evidence to prove that Wilkinson was frequently intoxicated. Lewis denies this. See his testimony in Wilkinson's *Memoirs*, vol. iii., p. 127. See also Bull's testimony in *ibid.*, pp. 210-211.

† Wilkinson's *Memoirs*, vol. iii., pp. 83-84, 363, gives Boyd's testimony at Wilkinson's court-martial.

‡ Wright, *Life of Scott*, p. 29.

¶ Lossing, *War of 1812*, p. 652.

\* Brackenridge, *History of the Late War*, p. 172; Lossing, *War of 1812*, p. 653.

‡ Wilkinson's *Memoirs*, vol. iii., p. 85.

§ *American State Papers, Military Affairs*, vol. ii., pp. 475, 478. His report will be found also in Fay, *Official Accounts*, pp. 146-151.

|| *Notices of the War of 1812*, vol. ii., p. 17.

three 6-pound field pieces and the gunboats to support them\* Wilkinson reported 102 killed and 237 wounded, but reported no missing,† although the British claimed to have captured more than 100 prisoners. The British loss was 22 killed, 148 wounded, and 12 missing.‡ The American troops fled toward the river under cover of the darkness and clambered aboard the ships.¶ The next day (November 12) the flotilla proceeded on its journey and joined the advance under Brown at Cornwall. It was here, according to Wilkinson, that he received, to his "unspeakable mortification and surprise," information from General Hampton that he should not effect the junction which had been ordered to take place at St. Regis.§ This "blasted all his hopes and destroyed every prospect of the campaign."¶

\* Bradley (*The Making of Canada*, p. 349) says the British force consisted of 640 men of the 49th and 89th regiments, 200 Voltigeurs, fencibles and artillery, with a score of Indians and two 6-pounders.

† *American State Papers, Military Affairs*, vol. i., p. 476.

‡ McMullen, *History of Canada*, p. 290. Lossing (*War of 1812*, p. 654, note) gives about the same figures.

¶ Adams, *United States*, vol. vii., pp. 184-191; McMaster, vol. iv., pp. 50-51; Cullum, *Campaigns of the War of 1812 to 1815*, p. 167; *Harper's Magazine*, vol. xxvii., p. 755; Dawson, *Battles of the United States*, vol. ii., p. 305; John P. Boyd, *Documents and Facts Relating to Military Events During the Late War* (1816).

§ *American State Papers, Military Affairs*, vol. i., p. 476; Fay, *Official Accounts*, pp. 152-154; Lossing, *War of 1812*, p. 654.

¶ Wilkinson's *Journal in American State Papers, Military Affairs*, vol. i., p. 478; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 18-19.

On taking command at Lake Champlain in July, Hampton had established his headquarters at Burlington, where by the middle of September he had collected 4,000 men. While there a British fleet with about 1,400 regulars, sailors and marines under Colonel J. Murray entered the Lake from the Isle Aux Noix and the Richelieu River and plundered the American magazines at Plattsburg on July 31, driving the American shipping entirely from the lake, neither McDonough's small fleet nor Hampton's army venturing to oppose them.\* While Hampton was collecting his troops, Wilkinson had adopted plan Number Three and, though unable to begin his own movement, was anxious that Hampton should advance on Montreal.† Wilkinson's wish was granted and on September 19 Hampton moved his force down the lake and over the line into Canada. As he advanced, he found the fields parched, the springs and streams dry, and on every hand unmistakable signs of a protracted drought.‡ Fearing to advance farther, Hampton marched his army west to the Chateauguay River, 40 or 50 miles distant, and established himself there on September 26.¶ As Wilkinson's expedition had not yet

\* Lossing, *War of 1812*, pp. 641-642.

† *American State Papers, Military Affairs*, vol. i., p. 466; Armstrong, *Notices of the War of 1812*, vol. ii., p. 188.

‡ *American State Papers, Military Affairs*, vol. i., p. 459; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 2, 191; Lossing, *War of 1812*, p. 642.

¶ Bradley, *The Making of Canada*, p. 344.

started, Hampton decided to remain at Chateaugay, building roads and opening lines of communication until orders should come to march. On October 16 Armstrong sent orders to Hampton, in view of Wilkinson's probable descent of the river, to approach the mouth of the Chateaugay and hold the enemy in check.\* Hampton immediately began the march and on October 22 established himself at Spear's about 15 miles from the mouth of the river.†

Hampton now held a position equally well adapted to threaten Montreal, to cut off British communication with Upper Canada, and to succor Wilkinson. He was opposed by a force of British much superior to his own. According to British returns, the force in the Montreal district under command of Sheaffe on September 15 numbered 5,752 fit rank and file. In addition to other garrisons in the vicinity and the enrolled troops, Prevost could muster a considerable number of sailors and marines to defend Montreal and could count upon the militia to aid him, so that a moderate estimate places the British force about Montreal at 15,000 rank and file.‡ On the other hand, Hampton's command consisted of 4,000 infantry new to the service, 200 dragoons and

artillery.\* To advance with such a force in the face of such overwhelming numbers would be to risk a fatal reverse.

When Hampton made his movement at Spear's, he ascertained that a body of 800 British troops,† under command of Lieutenant-Colonel A. De Salaberry, occupied a position six miles below on the route to Montreal and had obstructed the road by fallen timbers. Realizing the necessity of dislodging and dispersing the enemy, who at any moment might be reinforced, Hampton on the night of October 25 sent a force under Colonel Robert Purdy to flank De Salaberry's position while he himself attacked in front. Purdy was to cross the river and march down on the opposite side until he passed the enemy, when he was to recross and attack him from the rear while the brigade under General George Izard was to assail the British in front.‡ Purdy crossed the river, but misled by his guide, he wandered about all night in the woods and not until morning did he extricate his force. On his return he was attacked by the British infantry and Indians, but after a short contest during which his camp was thrown into great confusion, he repulsed the attack.¶ At the same moment the

\* *American State Papers, Military Affairs*, vol. i., p. 461.

† *Ibid.*, p. 461; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 3, 191-192; Lossing, *War of 1812*, p. 647.

‡ Adams, *United States*, vol. vii., pp. 194-196.

\* *American State Papers, Military Affairs*, vol. i., p. 479.

† Lossing (*War of 1812*, p. 647) gives this number as 1,000.

‡ Armstrong, *Notices of the War of 1812*, vol. ii., pp. 3-4, 192-193.

¶ McMullen (*History of Canada*, p. 291), however, says that Purdy was compelled to retire in



British came out of their works in front and attacked General Izard, who soon after retired behind his defences. The American loss did not exceed 50 men and the British loss was reported as 25.\* Then receiving advices that the enemy were being continually reinforced, General Hampton, with the advice of his officers, decided to retreat to the position he occupied some days before at Chateaugay Four Corners, at which place he arrived on the last day of the month.†

Hampton's retreat was due more to Armstrong's conduct than to his check at Spear's or Prevost's movements.‡ On the same day that he attempted to dislodge De Salaberry a messenger arrived from Sackett's Harbor bringing instructions from the quartermaster-general bidding him select some spot in Canada and

employ a brigade of militia in building as many huts as would shelter 10,000 men during the following winter.\* According to Hampton, the order had the effect of a command to do nothing. The papers blasted his hopes and raised serious doubts of receiving the efficacious support he had anticipated.† Accordingly, on November 1, he resigned his command.‡ On November 7, a week after his arrival at Chateaugay, Hampton received a call for help from Wilkinson. The latter, then at Ogdensburg, asked Hampton to forward supplies and to march his troops to some point on the St. Lawrence below St. Regis, where Wilkinson could join him.|| Hampton replied that he had no supplies to send; that if Wilkinson was in need of supplies, it would be unwise to increase the need by joining forces; and that, under the circumstances, the best thing he could do was to fall back on Plattsburg and act against the enemy in some other direction.§ This was the letter that Wilkinson received on November 12 on his arrival at Cornwall. He thereupon called a council of war at which it was determined that the objects of the campaign were no longer attainable. It was therefore resolved that

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disorder. Lossing (*War of 1812*, p. 648) says the Americans fled and that the enemy, supposing the Americans to be in force, took to their heels also, thus presenting the ludicrous scene of frightened belligerents running away from each other.

\* Lighthall, *Account of the Battle of Chateaugay*; *American State Papers, Military Affairs*, vol. i., p. 461; Purdy's report in *ibid.*, p. 479 and in Fay, *Official Accounts*, pp. 155-158. See also Dawson, *Battles of the United States*, vol. ii., p. 298; Cullum, *Campaigns of the War of 1812 to 1815*, chap. iv.; Wilkinson's *Memoirs*, Atlas No. 8; Bradley, *The Making of Canada*, pp. 345-347.

† Armstrong, *Notices*, vol. ii., pp. 5-6; Brackenridge, *History of the Late War*, p. 174; Adams, *United States*, vol. vii., pp. 196-197.

‡ Lossing considers the whole affair a disgrace to American arms, and quotes General John E. Wool as saying: "No officer who had any regard for his reputation would voluntarily acknowledge himself as having been engaged in it."

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\* *American State Papers, Military Affairs*, vol. i., p. 461.

† See his letter to Armstrong November 1, 1813, *American State Papers, Military Affairs*, vol. i., p. 461.

‡ Wilkinson's *Memoirs*, vol. iii., app. lxix.

|| *American State Papers, Military Affairs*, vol. i., p. 462.

§ *Ibid.*, vol. i., p. 462.

the army should quit the Canadian side of the St. Lawrence and retire to winter quarters at French Mills, six or seven miles up the Salmon River.\*

The ill consequences of Wilkinson's leaving a large force in the rear and withdrawing the troops from the Niagara was soon felt. Not a regiment of United States troops was to be seen between Sackett's Harbor and Detroit,† Niagara being held by only a few volunteers under Brigadier-General George McClure of the New York militia. The term of the militia under General McClure had nearly expired and, as winter came on, the volunteers refused to serve longer on any conditions.‡ Though several thousand soldiers were lying idle at French Mills and Plattsburg,|| the War Department ordered no reinforcements sent to McClure. On December 10 McClure learned that a British force of 500 men, under Colonel J. Murray, had been sent by General Vincent to retake Fort George; and, having only 100 men with which to defend the fort, he decided to evacuate it before the British attacked. But before evacuation, he set fire to the little village of Newark, which lay under his guns; turning the inhabitants into the open

air in extreme cold weather. Leaving the tents and barracks standing in Fort George, he fled over the river to Niagara.\* On December 22, as no reinforcements had arrived, and apprehending an attack, McClure continued his retreat to Buffalo "with a view of providing for a defence."†

Though this act was disavowed by the government, the British took swift and barbarous vengeance. Availing himself of the indignation caused by the destruction of Newark, Colonel Murray, with 550 regulars, rank and file, crossed the river on the night of December 18, crept up unseen to Fort Niagara, surprised the sentries, and, with a loss of not more than eight men, killed and wounded, captured the fort with 350 prisoners, after inflicting a loss of 80 killed and 14 wounded.‡ Having possessed themselves of this post, the British increased their force and let loose their auxiliary Indians on Lewiston and the adjacent country, laying waste the Niagara frontier with fire and sword.||

\* Lossing, *War of 1812*, p. 655; Armstrong, *Notices of the War of 1812*, vol. ii., p. 19.

† Lossing, *War of 1812*, p. 632.

‡ McClure to Armstrong December 10, 1813, *American State Papers, Military Affairs*, vol. i., p. 486.

|| According to a report (December 1, 1813), there were in Wilkinson's army alone 8,143 men. (*American State Papers, Military Affairs*, vol. i., p. 481.)

\* *American State Papers, Military Affairs*, vol. i., p. 486. See also Bradley, *The Making of Canada*, p. 342; McMullen, *History of Canada*, pp. 292-294; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 20-21; Brackenridge, *History of the Late War*, p. 178.

† *American State Papers, Military Affairs*, vol. i., p. 487.

‡ Lossing, *War of 1812*, pp. 633-634. Armstrong (*Notices*, vol. ii., p. 22) says 65 killed and 14 wounded, two-thirds of them being *hospital patients*. See also Brackenridge, *History of the Late War*, p. 179.

|| McMullen, *History of Canada*, p. 295. In a proclamation dated January 12, 1814, Prevost declared that, for the burning of Newark "the opportunity of punishment had occurred; that a



Major Bennett made a desperate attempt to defend Lewiston, which was attacked by the British under General Sir Phineas Riall; but, after maintaining his ground for some time, he was compelled to retire.\* On the night of December 29 General Sir Gordon Drummond sent a force of 1,500 men (including Indians under General Riall) across the river above the Falls. General Amos Hall advanced from Batavia with all the forces he could collect and poured a destructive fire upon the British in their boats, but the latter succeeded in effecting a landing. The British then drove the Americans from their batteries and pursued them to Buffalo. There Hall attempted to check the British advance, but out of 2,000 militia only 300 could be persuaded to stand their ground. The villages of Buffalo and Black Rock were set on fire the same day and the whole frontier for many miles exhibited a scene of ruin and devastation, six villages, many isolated country houses, and four vessels having been consumed.† New

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full measure of retaliation had taken place, and that it was not in his intention to pursue further a system of warfare so revolting to his own feelings, and so little congenial to the British character, unless the future measures of the enemy should compel him again to resort to it." But he added "that he was happy to learn that there was no probability that any measures on the part of the American Government would oblige him to depart from it."—*American State Papers, Foreign Relations*, vol. iii., p. 752.

\* *American State Papers, Military Affairs*, vol. i., p. 487; Fay, *Official Accounts*, pp. 165-166; Lossing, *War of 1812*, p. 634.

† Lossing, *War of 1812*, pp. 635-637. See also Brackenridge, *History of the Late War*, p. 179.

Year's day found the cross of St. George floating over Niagara, which, like Mackinaw, remained in the enemy's possession until the peace.\*

Armstrong and Wilkinson united in throwing upon Hampton the blame for failure. At first Wilkinson ordered Hampton under arrest, but on reflection decided to throw the responsibility on Armstrong.† Armstrong, however, declined to accept this responsibility, but after some delay consented to accept Hampton's resignation. Wilkinson declared that Hampton's conduct had blasted his hopes and forfeited the honor of the army,‡ while Armstrong sneered at Wilkinson for seizing every pretext to abandon the campaign.¶ Both Hampton and Wilkinson believed that Armstrong had led them into an impossible undertaking and then had deserted them so as to shift the blame of the failure from himself to them.§ However this may have been, the most happy result of the campaign, and the most advantageous to the army, was the removal of all the older generals (Wilkinson, Hampton, and Morgan Lewis) from active service. Wilkinson considered Armstrong responsible for the failure of the expedition and

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\* Adams, *United States*, vol. vii., pp. 202-205; McMullen, *History of Canada*, pp. 295-296; McMaster, vol. iv., p. 54.

† Wilkinson's *Memoirs*, vol. iii., App. v.; *American State Papers, Military Affairs*, vol. i., p. 480.

‡ *American State Papers, Military Affairs*, vol. i., p. 478.

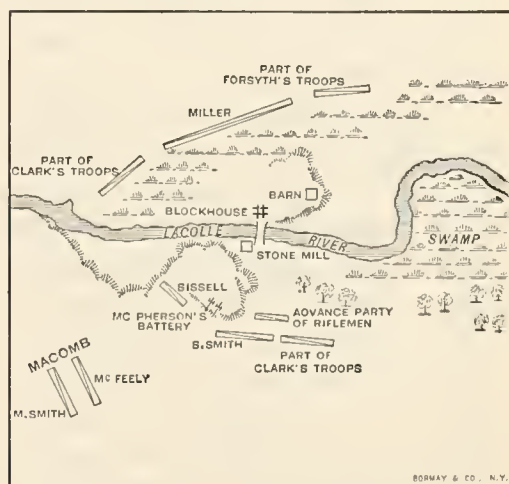
¶ Armstrong, *Notices of the War of 1812*, vol. ii., p. 43.

§ Wilkinson's *Memoirs*, vol. iii., p. 362, note.

believed that the Secretary had secretly attempted to ruin him. He therefore determined to fasten the guilt upon the Secretary in the most public manner. At Plattsburg he wrote a letter and, with most sublime effrontery, demanded a trial by court-martial. He requested permission to retire to Albany, leaving Izard to command, but Armstrong was not ready to make any new arrangements and Wilkinson remained with the army during the winter.

Pending the reply to his request for a court-martial, Wilkinson determined to strike a blow at Montreal as a last proof of his military ability. The road to the city was barred by small garrisons at St. Johns and Isle Aux Noix and by outposts at Lacadie and Lacolle. The latter outpost (the troops at which numbered about 200) was not more than five miles from the border and was without support nearer than Isle Aux Noix, ten miles away; but it was stationed in a strong stone mill, with thick walls and solid front. Taking with him the entire army of 4,000 men and two 12-pound field-guns.\* On March 30 Wilkinson crossed the boundary and made his way through the deep snow to the mill. Colonel Isaac Clark and Major Benjamin Forsyth led the advance, followed by Captain McPherson with

the two field-pieces, flanked on either side by the brigade of General Sydney Smith and Daniel Bissell. The reserves, divided into two companies led by Colonels Melanethon Smith and George McFeely, were under command of General Alexander Macomb. Clark and Forsyth sent a part of their troops across Lacolle Creek some distance above the mill, these forces flanking Colonel James Miller's regi-



ment of 600 men, which was stationed in the rear to cut off retreat. McPherson's guns opened fire at a distance of 250 yards from the mill, but inflicted little or no damage. The enemy replied with Congreve rockets, and as the Americans were in an open field, they suffered severely. While the Americans were making this assault, two companies of British troops arrived from Isle Aux Noix, whereupon the British commander made a vigorous sortie against Bissell and Smith; but, after several desperate charges, the British were repulsed. More re-

\* McMullen (*History of Canada*, p. 301) says three guns, 6, 12 and 18 pounders, but Wilkinson had only two. Brackenridge (*History of the Late War*, p. 198) says an 18-pounder had been ordered up, but the roads were so poor that a 12 and a 5½ inch howitzer were substituted.

inforcements arrived and another sortie was made, more desperate than the first. Again the British were repulsed and the Americans continued their bombardment of the mill, but without apparent effect.\* As the British now numbered about 1,000, Wilkinson decided not to storm the mill, but instead, having lost about 200 men by the fire of the garrison, ordered a retreat and marched his troops back to Champlain.† The British loss was 11 killed, 46 wounded and 4 missing.‡

With these movements Wilkinson disappears from the scene of active life. On March 24 orders were received relieving him from duty under the form of granting his request for a court of inquiry, and he made over the army to General George Izard and departed. Once more he passed the ordeal of investigation, which in reality was a sham;|| once more he was acquitted; but he never again was permitted to assume his command in the army and passed the closing years of his life in Mexico.§

As the American army was now rid of its incompetent generals, the tide began to turn. The command had passed to men of ability, energy and decision, and under them the army en-

tered on a campaign which to a great degree atoned for all the disasters that had occurred earlier. The opening was far from propitious. Owing to the remote situation of Sackett's Harbor in the extreme northern corner of the State, supplies and war material were sent thither from the Hudson River by way of the Mohawk River and Oneida Lake, thence to Oswego, and from the latter place to Sackett's Harbor. About 12 miles above Oswego the American magazines were established, and there the stores were kept until they could be shipped along the lake shore to Sackett's Harbor. If these magazines were destroyed, Chauncey would be seriously crippled. Therefore Yeo determined to attack it, hoping to seize upon the stores, rigging, guns, etc., which Chauncey was collecting for his new ship the *Superior*, a 50-gun frigate the keel for which (together with the keels for two 22-gun brigs, the *Jefferson* and the *Jones*) had been laid in February. The *Jefferson* was launched on April 7, the *Jones* April 10, and the *Superior*, after being enlarged to hold 62 guns, on May 2. Another frigate, the *Mohawk*, 42 guns, was immediately begun. After the squadron was complete, it consisted of the *Superior*, *Mohawk*, *Pike*, *Madison*, *Jones*, *Jefferson*, *Sylph*, and *Oneida*.\*

\* Lossing, *War of 1812*, p. 790.

† Dawson, *Battles of the United States*, vol. ii., p. 337; Wilkinson's *Memoirs*, vol. iii., chap. vii.; Fay, *Official Accounts*, pp. 181-183.

‡ McMullen, *History of Canada*, p. 301.

|| For the testimony see his *Memoirs*, vol. iii., pp. 1-331 and app.

§ Adams, *United States*, vol. viii., pp. 26-27; McMaster, vol. iv., p. 55.

\* Roosevelt (*Naval War of 1812*, p. 355) gives the armament as follows: *Superior*, 30 long 32's, 2 long 24's, 26 short 42's; *Mohawk*, 26 long 24's, 2 long 18's, 14 short 32's; *Pike*, 26 long 24's; *Madison*, 2 long 12's, 22 short 32's; *Jones*, 2 long



Meanwhile Yeo had not been idle, having launched the *Prince Regent*, 58 and the *Princess Charlotte*, 42, April 15. The original cruisers had been renamed, some of them had been rearmed, and both the schooners had been changed into brigs. The *Wolfe*, *Royal George*, *Melville*, *Moir*, *Beresford*, and *Sidney Smith* were named respectively the *Montreal*, *Niagara*, *Star*, *Charwell*, *Netley*, and *Magnet*.\*

Yeo's first attempt with his fleet was an attack on Oswego. This town was defended by a fort mounting six guns (two of them dismantled) and was garrisoned by 300 men under Colonel Mitchell. The recaptured schooner *Growler* was in port with seven guns destined for Sackett's Harbor; she was sunk by her commander but later raised and carried away by the British. On May 3 Yeo left Kingston with a body of troops numbering 1,080 rank and file and appeared off Oswego the next day. On the 15th Yeo sent in 15 gunboats to draw the fire of the fort; but, after a short action, the gunboats retired.†

12's, 20 short 32's; *Jefferson*, 2 long 12's, 20 short 32's; *Sylph*, 2 long 12's, 14 short 24's; *Oneida*, 2 long 12's, 14 short 24's (throwing a total broadside of 3,352 pounds).

\* Roosevelt (*Naval War of 1812*, p. 356) gives the armament as follows: *Prince Regent*, 32 long 24's, 4 short 68's, 22 short 32's; *Princess Charlotte*, 26 long 24's, 2 short 68's, 14 short 32's; *Montreal*, 7 long 24's, 18 long 18's; *Niagara*, 2 long 12's, 20 short 32's; *Charwell*, 2 long 12's, 14 short 32's; *Star*, 2 long 12's, 14 short 32's; *Netley*, 2 long 12's, 14 short 24's; *Magnet*, 2 long 12's, 12 short 24's (throwing a total broadside of 2,874 pounds).

† Lossing, *War of 1812*, pp. 794-795; Armstrong, *Notices of the War of 1812*, vol. ii., p. 72.

On the 6th the *Princess Charlotte*, *Montreal*, and *Niagara* engaged the fort while the *Charwell* and *Star* scoured the woods with grape to clear them of militia. The troops were then debarked and during this operation the *Montreal* sustained almost the whole fire of the fort, being set on fire three times and much cut up in hull, masts, and rigging.\* Under this fire 800 troops under Lieutenant-Colonel Fischer and 200 seamen, armed with long pikes under Captain Muleaster, were landed, and almost immediately moved gallantly up the hill to assault the fort. Colonel Mitchell abandoned the fort and, joining his corps to the marines and seamen, engaged the enemy's front and flanks; but finding further resistance useless, he marched to the falls of the Oswego, 13 miles distant, destroying the bridges in his rear.† Thither the naval stores had already been removed; and thus, though four schooners were captured or destroyed together with about 2,400 barrels of flour, pork and salt, the British obtained nothing of great importance. The British sustained a loss of 72 killed and wounded, Captain Muleaster being among them, while the American loss was 69 killed, wounded and missing.‡ On the 7th the enemy evacuated the place, after destroying

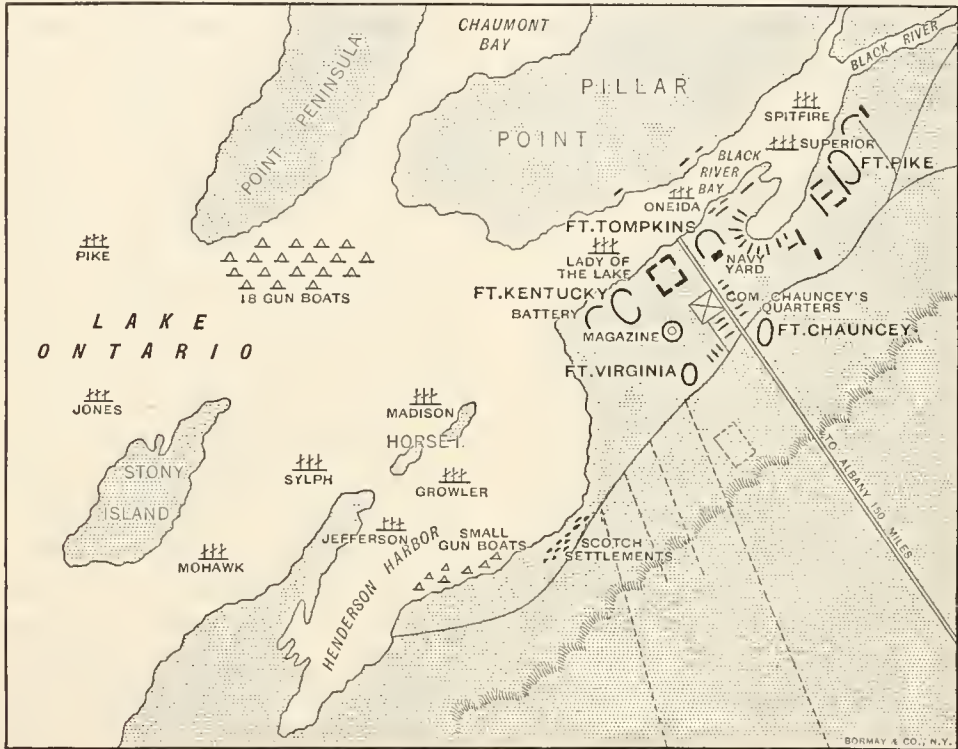
\* Roosevelt, *Naval War of 1812*, pp. 357-358.

† Braekenridge, *History of the Late War*, pp. 201-202; Lossing, *War of 1812*, pp. 795-796.

‡ Roosevelt gives the American loss as 6 killed, 38 wounded and 25 missing, and the British loss as 22 killed and 73 wounded.

whatever property could not be taken away. Had Yeo gone up the river, which he might have done safely, he could have sacked the chief American depot and the greatest depot of supplies on the whole northern frontier.\*

carried thither by the water route. Most of these supplies were at Oswego Falls, a few miles away, and as the enemy controlled the lake, the task of forwarding these supplies to Sackett's Harbor was attended with



SACKETT'S HARBOR.

Yeo then sailed with his squadron for Sackett's Harbor, where he arrived May 19 and began a strict blockade. This was especially unfortunate because the heavy guns and cables for the frigates which were then building at that place must be

great difficulty and danger. Nevertheless, as the ships could not get to sea without them, Master-Commander Melanethon T. Woolsey volunteered to bring them to Sackett's Harbor, intending to carry them to water by Stony Creek and thence by land to the Harbor, only three miles distant.\* On the evening of May 28 Woolsey left Oswego with 19 boats, carrying

\* Adams, *United States*, vol. viii., pp. 28-30; McMaster, vol. iv., p. 56; Dawson, *Battles of the United States*, vol. ii., p. 340; *Harper's Magazine*, vol. xxviii., p. 149; Cooper, *Naval History*, vol. ii., pp. 201-203.

\* Roosevelt, *Naval War of 1812*, p. 360.



21 long 32's, 10 long 24's, 3 short 42-pound carronades and 12 cables (one of which 22 inches in circumference and weighing 9,600 pounds was for the *Superior*), accompanied by Major Appling and 130 men.\* By hard rowing 18 of the boats reached Big Sandy Creek the following noon, 8 miles from the Harbor, but the other boat, containing 2 long 24's and a cable, was captured by the enemy. From the prisoners Yeo learned the position of the other boats and immediately sent in chase three gunboats, three cutters and a gig under Captains Popham and Spilsbury, with a force of 180 men.† Being warned of the British approach, the Americans planned an ambuscade, Major Appling being sent down the river with 120 riflemen and some Oneida Indians (who had joined Woolsey). The British walked into the trap and, after a sharp skirmish, were captured with their boats.‡ The Americans lost only one man wounded, but British accounts differ regarding the loss of the enemy.||

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\* Maclay, *History of the Navy*, vol. i., pp. 488-489; Lossing, *War of 1812*, p. 798. Roosevelt says 120 men.

† Roosevelt, *Naval War of 1812*, p. 361. Cooper says 186 men.

‡ Braekenridge, *History of the Late War*, p. 203; Lossing, *War of 1812*, pp. 799-800; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 73-74.

|| James gives the loss as 18 killed and 50 wounded. McMullen (*History of Canada*, p. 302) gives the loss as 18 killed, 50 wounded, and 138 prisoners. Appling gives the loss as 14 killed, 28 wounded, and 133 captured. See also Roosevelt, pp. 361, note, 362; Maclay, p. 489.

On June 6 Yeo raised the blockade of the Harbor, but not until six weeks later were Chauncey's ships ready to sail. Meanwhile, on June 19, Lieutenant Francis H. Gregory was sent to the St. Lawrence with three gigs and 22 men to cut out some of the enemy's supply ships. He was discovered by the British gunboat *Black Snake* (1 18-pounder and 18 men), but, after a short fight, Gregory captured her without the loss of a single man. He was afterward chased by a large boat and forced to sink his prize. On July 1 Gregory made a trip to Erie, where he burned a British 14-gun schooner just ready for launching. On July 31 Chauncey's squadron sailed and, after capturing the *Magnet*, blockaded Yeo for 45 days at Kingston.\*

All these hindrances obliged Armstrong to seek some other line on which the army could be employed against Upper Canada. On April 30 Armstrong suggested to the President that 6,000 troops be landed in the bay between Abino and Fort Erie to operate against the British post at the head of Burlington Bay,† but the Cabinet dallied for some weeks without coming to any conclusion. Brown might have been strengthened by such troops as could be spared from Detroit, but the Cabinet decided to send the Detroit force (numbering about 900) against Mackinaw. Early in July, under command of Lieutenant

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\* Maclay, p. 490; Roosevelt, pp. 362-363.

† Armstrong, *Notices of the War of 1812*, vol. ii., pp. 216-218.

George Croghan, the troops started for Detroit, but were defeated on August 4 and soon returned.\* The expedition did not even arrive in time to prevent a British expedition from Mackinaw crossing Wisconsin and on July 19 capturing the post at Prairie du Chien.† Finally in June the Cabinet ordered General Brown to cross to the Canadian side above Niagara Falls as soon as the fleet was ready and to march to Burlington Heights and York.‡ Brown had left Sackett's Harbor and was at Buffalo when these orders arrived. As the fleet would not be ready before the middle of July, Brown decided to land a force between Point Abino and Fort Erie, storm the fort, send forward a corps to seize the bridge at Chippawa, and to push farther onward if possible.¶ Brown's force consisted of three brigades (under Scott, who had become a brigadier on March 9,§ Eleazer W. Ripley and Peter B. Porter, who also had some Indians) and a battalion of artillery (under Major Jacob Hindman, numbering 4,780 men in all, of whom 3,500 were present and fit for duty. Major-General Riall, who commanded the right division of the British army, had a force on the Niagara River of

2,337 troops and 332 officers present for duty.\* As soon as Porter's volunteers were ready (July 3), the whole American army was thrown across the river. Scott's brigade and Hindman's artillery landed below Fort Erie and Ripley's brigade above,† while the Indians gained the rear. After a weak resistance, the garrison of 200 soldiers capitulated.‡

According to instructions, Chippawa was the next point of attack. There Scott found the British force strongly posted on the banks of the Chippawa River.¶ Falling back a mile or two behind Street's Creek, Scott went into camp in order to wait for Brown, Ripley and Porter, who came up during the night and early the next morning.§ Knowing that his army far out-numbered that of Riall, Brown was anxious to attack before reinforcements could arrive. On the morning of July 5, leaving the brigades of Ripley and Porter encamped in the rear, he reconnoitered the Chippawa River and decided to build a bridge over it above the Brit-

\* Roosevelt, *Naval War of 1812*, p. 372; Brackenridge, *History of the Late War*, p. 251.

† Lossing, *War of 1812*, pp. 849-851.

‡ Madison's *Works* (Congress ed.), vol. iii., p. 403.

¶ Armstrong, *Notices of the War of 1812*, vol. ii., p. 83.

§ Wright, *Life of Scott*, p. 30; Mansfield, *Life of Scott*, p. 100.

\* Adams, *United States*, vol. viii., pp. 35-39. For the general reviews of the campaign of 1814, see David B. Douglass, in *Historical Magazine* (July to October, 1873); Cullum, *Campaigns of the War of 1812 to 1815*, p. 222 et seq.; *Facts Relative to the Campaign on the Niagara in 1814*, elucidating General Ripley's management. See also the *Proceedings of the New York Historical Society* (1844), p. 123.

† Mansfield, *Life of Scott*, pp. 102-103.

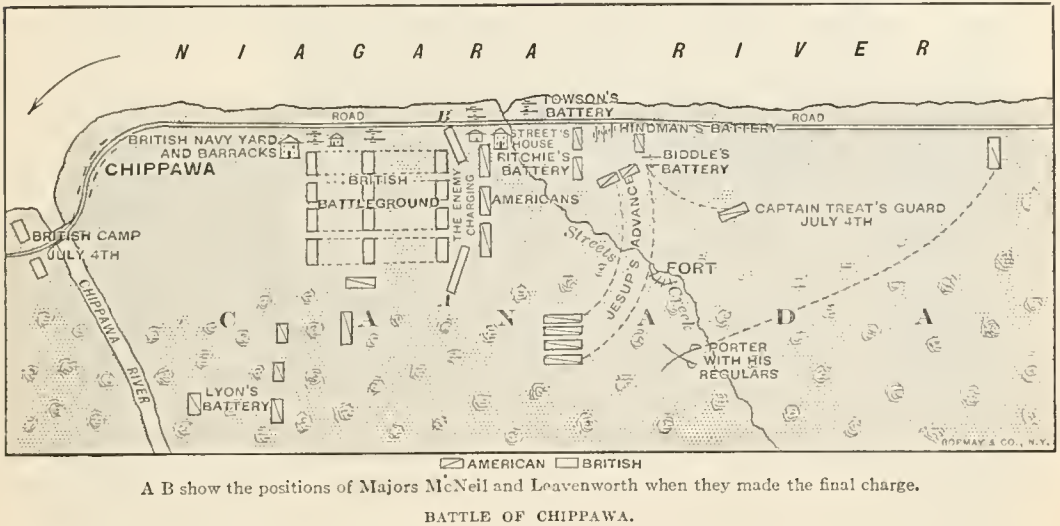
‡ Brackenridge, *History of the Late War*, p. 229; Lossing, *War of 1812*, pp. 804-805.

¶ Armstrong, *Notices of the War of 1812*, vol. ii., p. 84.

§ Lossing, *War of 1812*, pp. 805-806.

ish and then to cross the stream and attack them. Porter's volunteers and some Indians were ordered forward to clear the woods that work on the bridge might begin. Driving the enemy before them, Porter's advance had nearly reached the Chippawa River when, to their amazement, they learned that the whole British army was crossing the Chippawa bridge on

As Ripley with the second brigade was in the rear of the camp and as Porter's brigade was in utter confusion, Scott with his brigade was left to bear the brunt of the attack. As his thin column crossed the bridge, the two British 24-pounders opened upon it. Scott did not turn back, but instead marched out on the plain, formed in battle order under heavy



their flank. The surprise was complete, and Porter's troops instantly broke and fled.\* Riall's force, which was drawn up in three columns on the Chippawa Plain, consisted of about 1,500 regulars with two 24-pound field-pieces and a 5½ inch howitzer. In the woods were 600 militia and Indians.†

\* Stone, *Life of Red Jacket*, p. 352; Lossing, *War of 1812*, pp. 807-808; Mansfield, *Life of Scott*, pp. 104-105.

† Adams, *United States*, vol. viii., p. 41. McMullen (*History of Canada*, p. 305) gives the total as 2,400 — 1,500 regulars, 600 militia, and

fire, and began the charge. The three 12-pounders under Nathan Towson were placed in position near the river on the extreme right and opened fire on the heavy British battery opposite. The infantry was divided into three battalions, the right under Major Henry Leavenworth, the centre under Major John MacNeil, the left under Major Thomas S. Jesup. The flanks were thrown obliquely forward and Jesup's battalion was thrown into the

300 Indians. See also Lossing, *War of 1812*, pp. 808-809.



woods on the left to prevent outflanking.\* Just as Scott ordered the advance, Riall charged. The converging American fire wrought havoc in the British lines, but they came on until the flanks touched. Then the whole British line broke and fled. Ripley's brigade, arriving soon afterward, found no enemy on the plain. Riall reported a total loss of 515 killed and wounded and missing, not including Indians.† Scott and Porter reported a total loss of 297, not including Indians.‡ Riall's regular regiments and artillery lost 137 killed and 305 wounded; while Scott's brigade lost but 48 killed and 227 wounded. The battle of Chippawa was the only occasion during the war on which nearly equal bodies of regular troops met face to face without advantage of position. The victory inspired such confidence in the minds of American regulars that never after was an army of regulars beaten by British troops.‖

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\* Wright, *Life of Scott*, pp. 31-32.

† McMullen (*History of Canada*, p. 305) reports the British loss as 157 killed and 320 wounded, total 477. Lossing (*War of 1812*, p. 810) gives the British loss as 236 killed, 322 wounded, and 46 missing, total 604. See, however, the figures in Mansfield, *Life of Scott*, pp. 114-115.

‡ James, *Military Occurrences*, vol. ii., pp. 431-434; Scott, *Memoirs*, p. 130 *et seq.* Wright (*Life of Scott*, p. 32) makes the American loss 60 killed, 248 wounded, and 19 missing, while Lossing (*War of 1812*, p. 810) says 61 killed, 255 wounded, and 19 missing.

‖ Adams, *United States*, vol. viii., pp. 41-45; McMaster, vol. iv., p. 58; Captain Joseph Treat, *Vindication against the Atrocious Calumny Contained in Maj.-Gen. Brown's Official Report of the Battle of Chippawa* (Philadelphia, 1815),

The battle of Chippawa and three weeks of campaigning had told severely upon the Americans, however. According to the army returns, Brown's force at Chippawa on July 25 numbered about 2,650 effectives, consisting of Scott's brigade of 1,072 men and officers, Ripley's brigade of 895, Porter's brigade of 441, and the artillery of 236.\* Within three miles of Brown's camp at Lundy's Lane was Riall with 950 rank and file and five or six field-pieces. Three miles below marching up the river was Drummond with 815 rank and file, and a few miles behind Drummond was Colonel Scott, of the 103d Regiment, with 1,230 rank and file and two 6-pound field-pieces. At nine o'clock the three corps, aggregating 3,000 rank and file, with eight field-pieces, were to unite at Lundy's Lane.†

With a view of drawing off the enemy from an attempt on Lewiston, Brown resolved to move his force toward Queenston. Accordingly, Gen-

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which contains the proceedings of a general court at Saekett's Harbor; Samuel White, *History of the American Troops during the Late War under the Command of Colonels Fenton and Campbell* (Baltimore, 1829-30); Cullum, *Campaigns of the War of 1812 to 1815*, p. 206; Dawson, *Battles of the United States*, vol. ii., p. 348; Stone, *Life of Red Jacket*, chap. x.; Brackenridge, *History of the Late War*, pp. 231-232; Mansfield, *Life of Scott*, pp. 106-117. McMullen (*History of Canada*, p. 306) seems to think the battle equivalent to a victory for the British. Brown was of a decidedly different opinion. See *Life of General Brown*, pp. 86-88.

\* Ingersoll, *History of the Second War*, vol. ii., p. 106; Ripley, *Facts Relative to the Campaign on the Niagara*, p. 8.

† Adams, *United States*, vol. viii., pp. 47-50.





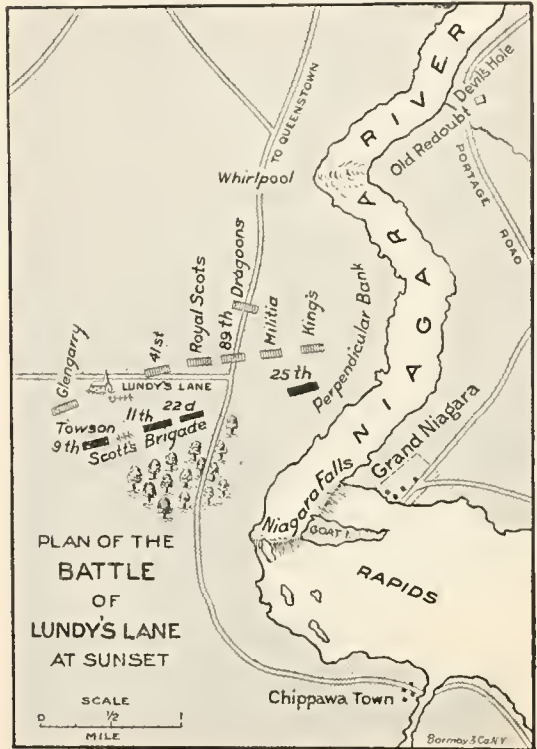
1. THE BATTLE OF CHIPPEWA. (Scott ordering the charge of McNeil's battalion.)  
 2. THE BATTLE OF LUNDY'S LANE.



eral Scott with the first brigade, Towson's artillery and the dragoons (about 1,300 in number)\* set out directly on the road leading to Queenston, with orders to report if the enemy appeared and to call for assistance if necessary.† Always glad to be in motion, Scott started from the camp about four o'clock in the afternoon, crossed Chippawa bridge and after proceeding along the Niagara about two and a half miles from the Chippawa and within a short distance from the cataracts, learned that a large body of British troops was in sight below.‡ With his usual audacity, Scott pushed forward determined to attack. On reaching Lundy's Lane he deployed to the left. The battalions of Jesup, Hugh Brady, Leavenworth, and MacNeil (numbering 1,000 men) and Towson (with his three guns) were placed in position. According to Riall's report, the British troops numbered 1,600 men, but in reality there were 1,770 rank and file, the left resting on the high-road; the two 24-pounders, two 6-pounders and 5½ inch howitzer a little in advance of the centre on the summit of the low

hill; and the right overlapping Scott's position.

Hardly had the formation been completed when the whole front became engaged. Jesup forced back the Royal



BATTLE OF LUNDY'S LANE.

Scots and the 89th and finally got into the British rear, where he captured Riall himself as he left the field seriously wounded.\* Scott attacked the left and centre at the same time, but the British artillery was too strong and placed too high for Towson, who could not bring his pieces to bear on the eminence.† From 7 o'clock until

\* Wright, *Life of Scott*, pp. 33-34; Mansfield, *Life of Scott*, pp. 122-123. McMullen (*History of Canada*, p. 308) says Scott's force numbered 2,000, exclusive of cavalry and artillery. Lossing (*War of 1812*, p. 817) says "full 1,200."

† Armstrong's critical remarks on Brown's movements and plans are worth consulting. See his *Notices of the War of 1812*, vol. ii., pp. 113-118.

‡ Brackenridge, *History of the Late War*, p. 234; Lossing, *War of 1812*, p. 817.

\* Wright, *Life of Scott*, p. 35; Lossing, *War of 1812*, p. 819.

† Ripley, *Facts Relative to the Campaign on the Niagara*, p. 21.

9 Scott's brigade repeatedly charged the British left and centre, but with the darkness their firing ceased from sheer exhaustion. Scott had only 600 men left and his situation was extremely critical. The British commander waited for reinforcements to crush his brave opponent, and Scott was well aware that unless aid arrived soon he must give up the contest. Nevertheless, he clung to the enemy's flank until in the darkness he was reinforced by Ripley's and Porter's brigades, by the 1st Regiment (150 strong) and by two batteries of Major Jacob Hindman's artillery under command of John Ritchie and Thomas Biddle. About the same time Riall's force 1,230 strong with two more 6-pounders reinforced General Drummond.\* At this time Drummond must have had about 2,600 men with seven field-pieces (two of them 24-pounders) in Lundy's Lane, while Brown could not have had more than 1,900 (even allowing that Porter had brought 500 volunteers into battle) and seven 12-pound field-pieces in all.†

Ripley then decided to capture the British artillery on the eminence. The 21st Regiment, under command of Colonel James Miller, was to advance

against the British battery in front.\* Ripley himself took command of the 23d Regiment on the right to attack the enemy's left flank in Lundy's Lane. The 21st, under cover of the shrubbery and the darkness, had advanced undiscovered to within a few yards of the British battery, and with a sudden rush, killed the gunners and captured the guns.† Miller succeeded in maintaining the ground until Ripley came up on his right. Meanwhile the 23d attacked the enemy's flank and compelled it to fall back.‡ When the firing ceased, Ripley's brigade held the hilltop with the British guns and the whole length of Lundy's Lane to the high-road to Queenston. The height was now the point where the battle raged and on the possession of which the victory depended. Porter immediately brought up his brigade on the left; Hindman brought up his artillery, placing Ritchie's battery on Porter's right and Ripley's left, Towson's battery on Ripley's right, and Biddle's guns on the road near the corner of Lundy's Lane. To the right of Towson's battery was Jesup with the 25th Regiment; while to the rear of Towson's battery and the captured

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\* McMullen, *History of Canada*, p. 309.

† Adams, *United States*, vol. viii., p. 53. McMullen claims that the British numbered 1,600 and withstood 5,000 Americans for three hours, though he is gracious enough to say that "the Americans showed a desperate courage worthy of their British descent."

\* Ripley, *Facts Relative to the Campaign on the Niagara*, p. 27; Mansfield, *Life of Scott*, pp. 128-129.

† Bradley, *The Making of Canada*, pp. 362-363; Brackenridge, *History of the Late War*, pp. 236-237; Lossing, *War of 1812*, pp. 819-821.

‡ Ripley, *Facts Relative to the Campaign on the Niagara*, p. 13.

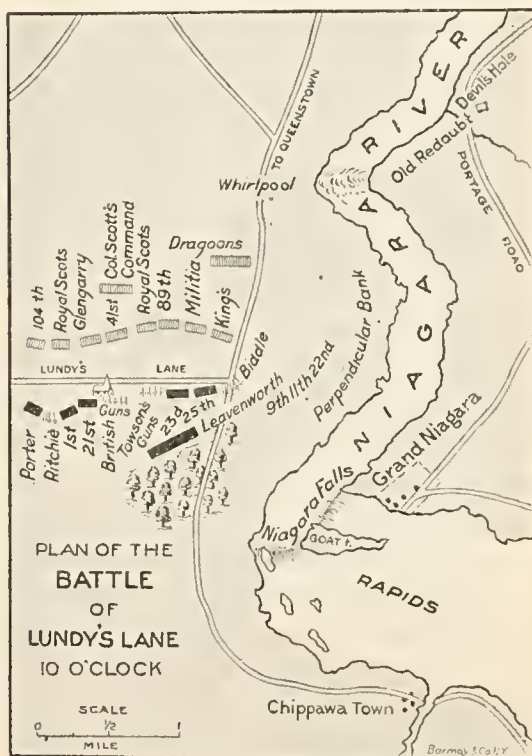


British guns was Leavenworth with the remnants of the 9th, 11th, and 22d.

After a long interval Drummond reformed his troops and marched up the ascent at a brisk step. When within 20 paces of the summit of the height, they poured in a rapid fire and began a bayonet charge. But the Americans had reserved their fire and poured in a volley with such telling effect that the British were thrown into confusion. Nevertheless they returned to the attack and for 20 minutes the battle raged with indescribable fury. The British line was at last compelled to retire down the hill. Half an hour later the British renewed the attack. Drummond threw his entire weight upon the centre of the American line, but could make no impression, whereupon the whole British line again recoiled and fell back to the bottom of the hill. An hour later Drummond again advanced to the attack. This was more stubbornly contested than the preceding attempts. The British reached the top of the hill and the struggle was carried on at the point of the bayonet. For a short time the issue of the fight was uncertain, but driven to desperation the Americans finally repulsed their furious assailants and the whole British line broke and fled. No exertion of their officers could restrain or bring them back to the assault. Brown and Scott were with Porter on the extreme left. Each attack had greatly diminished the number of men in the ranks, until at the close of the third

there were about 700 rank and file with a few officers in position.\*

Meanwhile Scott with Leavenworth's consolidated battalion was ranging the entire length of the line in an attempt to turn the enemy's flank. But having to face double lines of in-



BATTLE OF LUNDY'S LANE.

fantry, his attempts, which would have been decisive had they proved successful, were unavailing.† He joined Jesup's 25th Regiment on the right and was at last severely wounded. At about the same time

\* Ripley, *Facts Relative to the Campaign on the Niagara*, p. 16; Brackenridge, *History of the Late War*, p. 239.

† Brackenridge, *History of the Late War*, p. 238.

Brown was wounded on the extreme left, where Porter's volunteers held the line.\* General Scott, however, regardless of himself, did not quit the field until he had directed Leavenworth with the remnants of the first brigade to unite his battalion with the command of Jesup on the right. Brown and Scott then retired from the field and General Ripley assumed command.† By this time it was 11 o'clock and soon afterward peremptory orders came to collect the wounded and retire.‡ The British in no way molested the movement and at about midnight the troops marched to camp in good order. Hindman succeeded in withdrawing his own guns, but on returning to bring back the British cannon found the enemy in possession. He therefore left the field and followed the retreating column.|| This famous battle (variously known as the battle of Niagara, of Bridgewater, or of Lundy's Lane) was one of the most severely contested of the

whole war, and in proportion to the numbers engaged especially destructive to human life. Brown reported a total loss of 852 men, of whom 171 were killed, 571 wounded and 110 missing. Drummond reported a total loss of 878 men, of whom 84 were killed, 559 wounded, 193 missing, and 42 prisoners.\* On both sides — and especially on the American — the loss in officers was great. Brown and Scott were badly wounded, the latter so severely that he did not resume his command during the war. Drummond and Riall were wounded also.†

It was now a question whether the line of the Chippawa River should be maintained or abandoned. Ripley recommended a retreat to Fort Erie and then to the American side, and, supposing he had the assent of Brown and Porter, broke up the camp at Chippawa and reached Fort Erie, 16 miles in the rear, the same evening (July 26).‡ But from his sickbed at Buffalo Brown rejected the idea of retreating, thinking that the fort should be held.|| On August 7 Brown wrote a letter to the Secretary of War in which he intimated that Ripley lacked courage and capacity,§ and also sent

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\* Ingersoll, *History of the Second War*, vol. ii., p. 107; Ripley's *Facts*, p. 23; *Life of General Brown*, pp. 92-93; Mansfield, *Life of Scott*, p. 131.

† Wright, *Life of Scott*, pp. 36-37; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 92-94; Lossing, *War of 1812*, pp. 822-823. Facsimiles of the medals awarded Scott and Miller will be found in Lossing, pp. 821, 826.

‡ Ingersoll, *History of the Second War*, vol. ii., p. 107; Ripley's *Facts*, p. 23; Brackenridge, *History of the Late War*, p. 240.

|| Ripley's *Facts*, p. 43. See also Adams, *United States*, vol. viii., pp. 57-61; McMaster, vol. iv., pp. 59-60; Scott's *Autobiography*, chap. xii.; Cullum, *Campaigns of the War of 1812 to 1815*, p. 213; *Harper's Magazine*, vol. xxviii., p. 145; Dawson, *Battles of the United States*, vol. ii., p. 352.

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\* Lossing, *War of 1812*, p. 824.

† For the losses of the various regiments, see Adams, *United States*, vol. viii., pp. 63-64. McMullen (*History of Canada*, p. 310) says the American loss was 930 killed and wounded and 300 prisoners, but this is absurd.

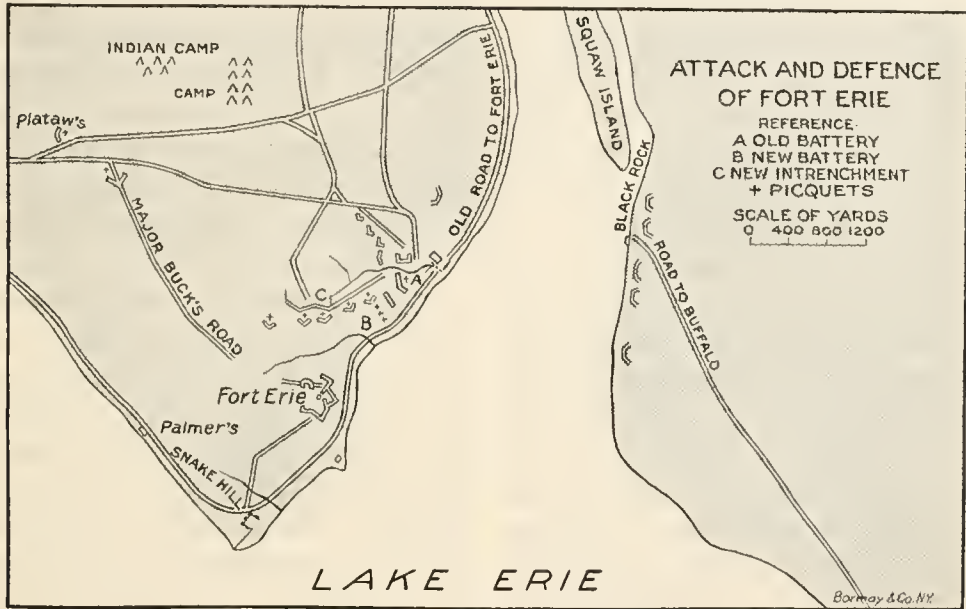
‡ Bradley, *The Making of Canada*, pp. 364-365; Lossing, *War of 1812*, p. 829.

|| Armstrong, *Notices of the War of 1812*, vol. ii., p. 95.

§ Ripley's *Facts*, p. 46.

orders to General Edmund P. Gaines at Sackett's Harbor to repair to Fort Erie and take command of the army. General Gaines arrived at the fort on August 4 and, as senior brigadier, assumed command, while Ripley resumed command of his brigade.\* Before he arrived the army, under Rip-

ran southward almost parallel to the shore and ended in a battery called Towson's Battery on Snake Hill, close to the water. The shore between Snake Hill and Battery Douglass was undefended.\* Major Hindman was in charge of the American artillery. In Battery Douglass was



BATTLE OF FORT ERIE.

ley's orders, had begun to strengthen the fort, digging ditches and trenches and throwing up heavy earthworks, so that by August 10, after Gaines' arrival, the defences were nearly completed. One strong earthwork, about 400 feet long with a ditch, ran from the fort eastward to the water's edge, where it ended in a stone work named Battery Douglass in honor of Lieutenant David B. Douglass. Another intrenchment, about 2,000 feet long,

one gun,† mounted in the neighboring line was another; the fort itself contained six under Captain A. J. Williams; along the line in front were four guns under Biddle and Alexander C. W. Fanning; and in the extreme left were six field-pieces under Towson. On the right was Colonel Scott's brigade consisting of parts of the 9th,

\* McMaster, vol. iv., p. 60; Lossing, *War of 1812*, pp. 829-830.

† Lossing (*War of 1812*, p. 832) gives two—18 and 6 pounders, as does Gaines in his official report. See Fay, *Official Accounts*, p. 229.

\* Lossing, *War of 1812*, p. 831.



11th, and 25th regiments, under command of Lieutenant-Colonel Thomas Aspinwall; the centre consisted of Porter's Pennsylvania and New York volunteers and the First Rifles; and the last was defended by Ripley with the 21st and 23d regiments.

On the 13th, having brought up his siege guns, Drummond began the bombardment and maintained it until the night of the 14th, when the firing ceased, preparatory to an assault.\* Drummond divided the attacking force into three columns (retaining another division of 1,000 troops in reserve), intending to assault the works simultaneously on the right, centre and left. The strongest column under command of Lieutenant-Colonel Fischer numbered about 1,300 men and was to assault Snake Hill, where Towson and Ripley were posted. The central column consisted of 190 men under command of Lieutenant-Colonel Drummond, of the 104th Regiment, and was to attack Fort Erie. The third column (numbering 650 men under Colonel Hercules Scott, of the 103d Regiment) was to assault the breastworks between Fort Erie and Battery Douglass.† At 2.30 in the morning, August 14, Colonel Fischer's column advanced against Snake Hill. Opposing Fischer were Towson's guns and the 21st Regiment, 250 strong, commanded by Major Eleazer D. Wood. A part of Fischer's column

charged gallantly and approached within ten feet of the breastwork, but were driven back by the hot fire from the batteries.\* The other column, with De Watteville's regiment at its head, became entangled between the rocks and water and was thrown into so much confusion by the retreat of the flanking companies that it could not be reformed in the darkness and retreated. A part of De Watteville's regiment waded out into the lake, made their way around the American line and came into the camp on the flank, but were captured by the American troops.†

Meanwhile the left and centre columns under Colonels Scott and Drummond advanced to the assault and were partially successful in their object. Drummond's column attacked the north curtain of the fort and was repulsed. Colonel Scott's column advanced within about 60 yards of Battery Douglass, but the fire of the guns was so terrific that the column was driven back and abandoned the attempt to capture the battery. The column next moved to the right, gained the ditch of the northeast bastion of Fort Erie and there was joined by Drummond's force. For two hours the fighting was desperate. Every effort of the Americans to drive the English from the bastion was fruitless and every effort of the Brit-

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\* Lossing, *War of 1812*, pp. 831-832.

† Adams, *United States*, vol. viii., p. 72.

\* Brackenridge, *History of the Late War*, p. 243.

† Adams, *United States*, vol. viii., pp. 74-75; McMaster, vol. iv., p. 61.



ish to drive the Americans out of the fort was equally futile.\* Finally, at 5 o'clock an enormous chest of powder exploded under the platform where the British were and threw them into a panic.† At the same time the Americans began a heavy musketry fire, whereupon the British fled to their own intrenchments.‡ The British loss amounted to 905 out of a total of 2,400 engaged;|| while the total American loss was only 84.§

General Drummond was greatly mortified by his failure. After the battle he continued to bombard Fort Erie, but no harm was done until August 29, when a shell exploded in Gaines' quarters and injured him so

\* Brackenridge, *History of the Late War*, pp. 244-245; Lossing, *War of 1812*, p. 834.

† Bradley (*The Making of Canada*, p. 366) says that an officer suggested the explosion of this gunpowder to Gaines and sneeringly remarks that the suggestion "was promptly and perhaps legitimately adopted by the virtuous general." He says that while this might have been in strict accord with the most illuminating principles, "it was extremely characteristic that the successful Guy Fawkes should set down and write to the Washington Government that the bastion 'was carried at the point of the bayonet with great slaughter.'" McMullen (*History of Canada*, p. 311) says the explosion was accidental. Lossing in a footnote, p. 835, relates the same incident as Bradley.

‡ Lossing, *War of 1812*, p. 835.

|| McMullen (*History of Canada*, p. 311) says the British loss was only 157 killed, 308 wounded and 186 prisoners, total 651.

§ Adams, *United States*, vol. viii., pp. 74-78; Cullum, *Campaigns of the War of 1812 to 1815*, chap. vi.; Dawson, *Battles of the United States*, vol. ii., p. 363; *Magazine of American History* (June, 1881), vol. vi., p. 401; *Historical Magazine*, 3d Ser., vol. ii., p. 216; *Magazine of Western History* (April, 1886) pp. 711, 722; Fay, *Official Accounts*, pp. 230-235; *Life of General Brown*, pp. 95-121.

severely that he was obliged to surrender the command.\* For a second time Ripley was placed in command; but, distrusting Ripley, Brown took over the command himself and began to study the situation.† Brown needed no more pitched battles to settle Drummond's fate, since nature was gradually encompassing his defeat. The cold rainy season had set in, and, as the British troops had no tents, they were compelled to put up rude huts affording but scant shelter. The number of sick was alarming, supplies were rapidly becoming depleted and ammunition was nearly exhausted.‡ But Brown could not wait for nature to finish the work so well begun and decided to make an attack. The British intrenchments consisted of a battery on the shore and a line of earthworks covered by abatis stretching inland half a mile from the lake to the forest, where were another battery and a blockhouse. Behind this were two more lines of intrenchments and a mile farther in the rear was the main camp. The first line was defended only by a brigade of troops.

On September 16 American fatigue parties opened a path through the forest from Snake Hill to a point not 500 feet from the British right. At noon the following day, September 17, General Porter led a column of 1,600

\* Brackenridge, *History of the Late War*, pp. 245-246; Lossing, *War of 1812*, p. 836.

† Armstrong, *Notices of the War of 1812*, vol. ii., pp. 100-101.

‡ McMaster, vol. iv., pp. 61-62; Adams, *United States*, vol. viii., pp. 82-85.

men along this path and at 3 o'clock, in the midst of a downpour of rain, fell upon the blockhouse and battery nearest the forest, which covered the flank and rear of the British battery number three, and succeeded in capturing the blockhouse and mastering the battery held by De Watteville's regiment. While a detachment spiked the guns and blew up the magazine, the troops under Porter and Miller captured the second battery.\* Porter and Miller then moved on battery number one, but this could not be taken and Brown, thinking that enough damage had been done, withdrew his troops.† The Americans lost 511 in killed, wounded and missing; while the British loss was 609, including 115 killed.‡ Drummond's situation, untenable before the sortie, became dangerous after it, and on the 21st he broke up his camp and retired to his intrenchments behind the Chip-pawa. A splendid opportunity now presented itself to destroy him utterly, but before Brown could strike again General George Izard had arrived and taken command — and nothing was done.||

Meanwhile, on May 1, Izard had reached Plattsburg and tried to cover it and Burlington with about 5,000

regular troops.\* Opposed to him in camp on or near the Sorel River were at least 10,000 of the best troops England ever put into the field. Nothing of any great importance had taken place on Lake Champlain during 1812 or 1813. Several small affairs had occurred in 1813. Early in the year the American naval force on the lake consisted of two sloops, the *Eagle* and the *Growler* of 11 guns each (2 short 18's, 5 6's and 5 18-pound carriages) and six gunboats of one gun each. There were several British gunboats stationed at the head of Sorel River and Lieutenant Sydney Smith went down the lake with the two sloops to scatter them. On June 3, 1813, while cruising about the outlet of the lake he fell in with three, which he chased down the river as far as Fort Isle Aux Noix, where he endeavored to turn back. This part of the river was narrow and the current strong, and to make matters worse the wind was so light that he could make no headway. As a result, before he had gone far, the enemy in considerable force under Major-General Taylor attacked the crews from the banks of the river. For three hours the Americans stubbornly maintained the contest, but one of the planks below

\* Brackenridge, *History of the Late War*, p. 247.

† Lossing, *War of 1812*, pp. 837-840.

‡ Adams, *United States*, vol. viii., pp. 85-89; McMaster, vol. iv., p. 62. See also Brown's report in *Niles' Register*, vol. vii., p. 100.

|| Lossing, *War of 1812*, p. 843 et seq.

\* For Izard's operations see his *Official Correspondence with the Department of War relative to the Military Operations of the American Army under Izard's Command on the Northern Frontier of the United States in 1814 and 1815*. A sketch of his military career by G. E. Manigault will be found in *Magazine of American History* (June, 1888).

the water line of the *Eagle* being torn off by a shot from one of the British gunboats, she sank and was captured. The rigging of the *Growler* then got so badly cut up that the ship became unmanageable and fell an easy prize.\* Thus the British gained supremacy on the lake. On the capture of Lieutenant Smith, Lieutenant Thomas MacDonough was placed in command of the American flotilla.† The British refitted the *Eagle* and the *Growler*, renaming them the *Finch* and the *Chubb*, and with them late in July swept the lake clear of shipping and plundered the magazines at Plattsburg and Saranac.‡ MacDonough was helpless, for the British were safe again in the Sorel River before his three new sloops could be launched. These were afloat early in August, however, when his fleet was able to prevent further plundering by the British.||

The following winter and spring both the Americans and the British pushed forward the work of constructing sloops, brigs, and gunboats. The British were the first afloat, as usual, and early in May entered Lake Champlain from the Sorel River. The

fleet cruised as far southward as Otter Creek, where the American squadron lay at anchor. The aim of the British was to block the channel so that the American fleet could not sail. Two schooners laden with stone were to be sunk in the channel, but were driven away by the fire of the Americans.\* Irritated by and alarmed at this attempt, Armstrong ordered Izard to seize and fortify Rouse's Point or the mouth of the Lacolle River or Ash Island, and thereby close the entrance to the lake. As Lacolle River and Ash Island were strongly fortified, Izard realized that a battery established at Rouse's Point would soon fall into British hands; hence he decided to erect his fortifications at Plattsburg. There he collected his troops (numbering between 5,000 and 6,000 men) and constructed strong works, while MacDonough's fleet took a position in the bay. While hard at work, Izard was informed by Armstrong of Brown's proposed campaign on the Niagara. Izard seemed then to have become uneasy and on July 19 suggested to Armstrong that he move northward and threaten the British communications between Montreal and Kingston.† On July 27 Armstrong approved Izard's plan, but by the time Armstrong's letter reached the latter (August 10) he had changed his mind. He protested to the Seere-

\* Rodney MacDonough, *Life of Commodore Thomas MacDonough*, pp. 114-120; Cooper, *Naval History*, vol. ii., pp. 167-168; Maclay, *History of the Navy*, vol. ii., pp. 27-28; Roosevelt, *Naval War of 1812*, pp. 281-282; McMullen, *History of Canada*, p. 284. Lossing (*War of 1812*, p. 641) gives the American loss as 1 killed and 19 wounded and the British loss as at least 100.

† MacDonough, *Life of MacDonough*, pp. 120-121.

‡ Roosevelt, *Naval War of 1812*, pp. 282-283.

|| McMaster, vol. iv., p. 63.

\* Cooper, *Naval History*, vol. ii., pp. 211-212; MacDonough, *Life of MacDonough*, pp. 134-143.

† Armstrong, *Notices of the War of 1812*, vol. ii., pp. 102-103.



tary against any movement likely to carry him away from Champlain;\* but the Secretary persisted in his own opinion, abandoned the idea of attacking the British communications along the St. Lawrence, and ordered Izard to march with 4,000 troops to Sackett's Harbor, from which point he was either to operate against Kingston or go to Niagara and assist Brown, then hard pressed at Fort Erie.† Accordingly Izard set out on August 29 with 4,000 troops, and in September entered Sackett's Harbor. Hardly had he arrived there when he learned with amazement of the great victory of Lake Champlain.‡

Immediately after Izard's departure, the British crossed the border under General Prevost (with General De Rottenberg second in command), occupied Chazy on September 3 and on the 5th were within eight miles of the Saranac, with Plattsburg (then a village of 1,500 inhabitants) at its mouth. Never did England have so great a force in America as was commanded by Sir George Prevost—four brigades, numbering not less than 11,000 men, with an excellent train of artillery crossing the border.¶ Opposed to it, after Izard had departed, was a body of 1,500 troops under

Brigadier-General Alexander Macomb,\* divided into detachments and distributed through several forts.† Macomb called upon General Benjamin Mooers, of the New York militia, for reinforcements, and, having collected about 700 militia, the latter on September 4 advanced seven miles on the Beekmantown road to reconnoiter and annoy the enemy. This had little effect and soon the militia, as well as Colonel Appling's rifle corps and a detachment of regulars under Major John E. Wool, were compelled to fall back, which they did in good order until they reached the south bank of the Saranac, where a firm stand was made against the enemy.‡

The American works were on the southern side of the town, just across the bridge over the Saranac. As the village was no longer tenable, General Macomb destroyed the bridge and retired to his breastworks.¶ The British encamped on the ridge west of the town, their right near the river, their left resting on the lake about a mile north of the village, the whole army covering an extent of nearly three miles. From September 6 to 11 an almost continuous skirmishing was kept up between the forces. During this time the Americans were busily engaged in strengthening their fortifications and the British in bringing up

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\* Lossing, *War of 1812*, p. 858. See also his official correspondence.

† Armstrong, *Notices of the War of 1812*, vol. ii., p. 223.

‡ Adams, *United States*, vol. viii., pp. 97-100; McMaster, vol. iv., pp. 63-64.

¶ For the regiments composing the force see Adams, *United States*, vol. viii., pp. 101-102.

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\* *Niles' Weekly Register*, vol. vii., p. 60.

† Lossing, *War of 1812*, pp. 860-861.

‡ Brackenridge, *History of the Late War*, pp. 274-275; Lossing, *War of 1812*, pp. 862-863.

¶ Brackenridge, *History of the Late War*, pp. 275-276.





1. THE BATTLE OF LAKE CHAMPLAIN — MacDONOUGH'S VICTORY.  
2. THE BATTLE OF PLATTSBURG.



heavy ordnance and making preparations for attacking the fort.\* Despite his large force, Prevost lost confidence on beholding MacDonough's fleet in the bay. He therefore decided to await the arrival of Captain George Downie with the British fleet. Not before the morning of September 11 did Downie appear round Cumberland Head, which forms the eastern shore of Plattsburg Bay.

The British fleet consisted of the *Confiance*, 37 guns, throwing 936 pounds; the *Linnet*, 16 guns, throwing 192 pounds; the *Chubb*, 11 guns, throwing 186 pounds; the *Finch*, 10 guns, throwing 132 pounds; and 12 gunboats with 16 guns, throwing 418 pounds, a total of 90 guns, throwing 1,864 pounds. The American fleet consisted of the *Saratoga*, 26 guns, throwing 826 pounds; the *Eagle*, 20 guns, throwing 528 pounds; the *Ticonderoga*, 17 guns, throwing 314 pounds; the *Preble*, 7 guns, throwing 63 pounds; and 10 gunboats with 16 guns, throwing 300 pounds, or a total of 86 guns, throwing 2,032 pounds or 1,016 to the broadside.† According to

Adams, the total weight of the American metal was thus much greater than that of the British; but the weight of the British long metal was vastly superior to that of the American fleet, the British having 60 long range pieces, throwing 1,128 pounds, whereas MacDonough had but 45 long pieces throwing 759 pounds. Therefore, if Downie chose to fight the battle at long range, MacDonough was at his mercy.\*

When Downie rounded Cumberland Head he found MacDonough's fleet anchored in the entrance. At the north end, near Cumberland Head, was the *Eagle*, flanked on either side by three gunboats; then came the *Saratoga*, three gunboats, the *Ticonderoga*, three more gunboats, and finally the *Preble*.† Downie's fleet was headed by the *Chubb*; and then in order followed the *Linnet*, the *Confiance*, two gunboats, the *Finch*, and the remainder of the gunboats.‡ MacDonough had anchored his squadron

\* Lossing, *War of 1812*, p. 864.

† The above statistics are taken from Adams, *United States*, vol. viii., p. 104 *et seq.* Maclay, however, (*History of the Navy*, vol. ii., pp. 28-29, 38) gives far different statistics, as follows: American—*Saratoga*, 8 long 24's, 6 short 42's, and 12 short 32's; *Eagle*, 8 long 18's and 12 short 32's; *Ticonderoga*, 8 long 12's, 4 long 18's, and 5 short 32's; *Preble*, 7 long 9's; 10 galleys mounting 6 long 24's, 4 long 12's, and 6 short 18's; a total of 86 guns throwing 1,904 pounds to the broadside, after deducting 7 per cent. for deficiency in the weight of American shot. The British fleet consisted of the *Confiance*, 31 long 24's and

6 short 32's; the *Linnet*, 16 long 12-pounders; the *Chubb*, 1 long 6, 10 short 18's; the *Finch*, 4 long 6's and 7 short 18's; and 12 gunboats mounting 3 long 24's, 5 long 18's, 8 short 32's and 1 short 18; or a total of 92 guns throwing 1,900 pounds. Roosevelt (*Naval War of 1812*, pp. 376-384) gives the same number of guns for the Americans, but says they threw a broadside of 1,194 pounds—480 long and 714 short, and 92 guns for the British throwing 1,192 pounds—660 long and 532 short. Regarding the armaments and crews, see also MacDonough, *Life of MacDonough*, p. 162 *et seq.*; Emmons, *Statistical History of the United States Navy*, pp. 20-21.

\* Adams, *United States*, vol. viii., pp. 104-106. See, however, the statistics of Maclay and Roosevelt given above.

† Roosevelt, *Naval War of 1812*, p. 388.

‡ Cooper, *Naval History*, vol. ii., pp. 213-214.

so that the British fleet would be compelled to pass between him and Cumberland Head in such a position that Downie could not come to anchor on his broadside out of carronade range,

the *Saratoga*, bringing their hawsers in on the two quarters and letting them hang in bights under water.\*

Thus he could wind his ship at any time without fear of having his cables



BATTLE OF LAKE CHAMPLAIN.

but must sail into the harbor under the raking fire of the American long guns and take a position within range of the American carronades. As the battle was to be fought at anchor, MacDonough, in addition to having springs on his cables, took the precaution to plant a kedge off each bow of

ent by the enemy's shot and also use his larboard broadside, in case the starboard batteries became disabled.†

Downie intended to lay the *Confiance* alongside the *Saratoga*, but,

\* Roosevelt, *Naval War of 1812*, pp. 387-388; Cooper, *Naval History*, vol. ii., p. 216.

† Maclay, *History of the Navy*, vol. ii., p. 34.



baffled by the wind, was obliged to anchor about 300 yards away.\* Downie then poured a broadside into MacDonough's ship, which, delivered at short range, almost blew the *Saratoga* out of the water; such was its force that nearly one-fifth of the crew were killed outright or wounded.† The *Chubb* and the *Linnet* then engaged the *Eagle*; and the *Finch* with the galleys, in order to turn the end of the American line, engaged the *Ticonderoga* and the *Preble*. The *Chubb* was quickly disabled by the *Eagle* and as she drifted past the *Saratoga* received a broadside that compelled her to strike. She was then boarded by a prize crew, towed into port, and anchored in the Saranac River.‡ The *Eagle* was soon forced to abandon her position and was driven to take refuge between the *Saratoga* and the *Ticonderoga*.|| The latter meanwhile had hotly engaged the *Finch*, which was driven from her anchorage in a shattered and helpless condition, and, drifting toward Crab Island, soon grounded and surren-

dered to the troops on the island.\* On the extreme right the *Preble* had been attacked by the British galleys and was soon driven out of the engagement. Her cables cut, she took refuge in port near the captured *Chubb*.† As the *Eagle* had been practically driven out of the contest, the *Linnet* aided the *Confiance*, which was now in a bad way and lacked the power to silence the *Saratoga* single-handed. Thus exposed to the concentrated fire of the *Confiance* and the *Linnet*, the guns on the starboard side of the *Saratoga* were soon silenced.‡ The enemy was but little better. After the last gun on the engaged side had been silenced, MacDonough began a manœuvre which turned impending defeat into victory. Though the *Linnet* raked her, MacDonough let go the stern anchor, cut the bow cable, slowly winded his vessel and brought his unused port battery to bear on the *Confiance*.|| After trying in vain to effect the same operation, the *Confiance* was compelled to haul down her colors 15 minutes after MacDonough had turned his ship.§ Turning farther around, MacDonough opened on the *Linnet* and forced her to surrender also.¶ A boarding officer was then

\* Cooper, *Naval History*, vol. ii., pp. 216-217.

† Roosevelt, *Naval War of 1812*, p. 392; Lossing, *War of 1812*, p. 867.

‡ Maclay, *History of the Navy*, vol. ii., p. 31; Lossing, *War of 1812*, pp. 867-868.

|| *American State Papers, Naval Affairs*, vol. i., p. 310; Roosevelt, *Naval War of 1812*, p. 394; Maclay, *History of the Navy*, vol. ii., p. 33; Lossing, *War of 1812*, p. 869. Commodore MacDonough sharply criticizes the action of the *Eagle* in abandoning her position. See his autobiography quoted in Rodney MacDonough, *Life of Commodore Thomas MacDonough*, p. 30 (1909).

\* Roosevelt, *Naval War of 1812*, p. 391; Maclay, *History of the Navy*, vol. ii., pp. 32-33.

† Cooper, vol. ii., p. 218; Lossing, p. 868.

‡ Roosevelt, *Naval War of 1812*, pp. 394-395; Maclay, *History of the Navy*, vol. ii., p. 34.

|| MacDonough, *Life of MacDonough*, p. 182.

§ Lossing, *War of 1812*, p. 869; Roosevelt, *Naval War of 1812*, pp. 395-396.

¶ Cooper, *Naval History*, vol. ii., pp. 219-220; Maclay, *History of the Navy*, vol. ii., pp. 34-35.

sent to take possession of the *Confiance*, which, with every mast in splinters, with Downie and half the crew dead and wounded, and with 105 shot holes in her hull, lay a wreck on the water.\* Those of the galleys which had not been sunk began to move slowly away with the aid of the few sweeps left them; and, as it was impossible to follow, they escaped with every ensign down.†

The battle had lasted from 8.15 to 10.45. MacDonough reported his loss as 52 killed and 58 wounded.‡ The British reported 57 killed and 92 wounded, though the actual loss was probably much larger. The *Saratoga* alone lost 28 killed and 29 wounded out of a crew of 240.¶ This fight was undoubtedly the greatest naval battle of the war, and the victory stamped MacDonough as the ablest sea captain in the country.§

\* *American State Papers, Naval Affairs*, vol. i., p. 310.

† Roosevelt, *Naval War of 1812*, pp. 396-397; Lossing, *War of 1812*, p. 870. Writing to the Secretary of War September 13, MacDonough says: "I could only look at the enemy's galleys going off in a shattered condition, for there was not a mast in either squadron that could stand to make sail on; the lower rigging being nearly all shot away, hung down as though it had just been placed over the mast-heads."—*American State Papers, Naval Affairs*, vol. i., p. 310.

‡ *American State Papers, Naval Affairs*, vol. i., p. 311.

¶ Maclay (*History of the Navy*, vol. ii., pp. 37-38) places the British loss at 84 killed, 110 wounded, and 367 prisoners. See also the note regarding losses in Roosevelt, p. 397.

§ Adams, *United States*, vol. viii., pp. 108-110; Mahan, *War of 1812*, vol. ii., p. 357 *et seq.*; McMaster, vol. iv., pp. 66-68; James, *Naval Actions*, pp. 47-51; J. H. Ward, *Manual of Naval Tactics*, p. 107; *Putnam's Magazine* (January, 1869);

There had been little fighting on the land in the meantime. Prevost's batteries poured forth shells and rockets all the while, and three serious attempts were made to cross the Saranac River and to crush the Americans by assault, but all resulted in failure.\* On the 12th Prevost determined to raise the siege, since, having lost control of Lake Champlain, the possession of the American works on land could no longer serve the British.† Under cover of night, he sent off all the baggage and artillery for which he could obtain means of transportation and precipitately fled, leaving only his sick and wounded behind.‡ Early next morning the Americans started in pursuit, but did not follow further than 12 or 14 miles from Plattsburg.¶ The Americans captured a large quantity of provisions and what ammunition and implements of war Prevost had abandoned. Subsequently other valuable stores were discovered.

Meanwhile Izard, after covering 280 miles in 20 days, reached Fort Erie.§

Palmer, *Lake Champlain*, pp. 219-230; Barnes, *Naval Actions of the War of 1812*, pp. 209-216; Hill, *Twenty-Six Historic Ships*, pp. 256-261; Clark, *Short History of the Navy*, pp. 189-198; Brown, *Naval Monument*, pp. 145-157; Spears, *History of Our Navy*, vol. iii., pp. 132-185; Frost, *Book of the Navy*, chap. xvii.

\* Adams, *United States*, vol. viii., pp. 110-111.

† James, *Military Occurrences*, vol. ii., p. 461; *Niles' Weekly Register*, vol. vii., pp. 44-60; G. H. Richard, *Memoir of Alexander Macomb*; Bradley, *The Making of Canada*, pp. 370-371.

‡ Brackenridge, *History of the Late War*, pp. 278-279.

¶ Lossing, *War of 1812*, pp. 874-875.

§ Armstrong, *Notices of the War of 1812*, vol. ii., p. 104.

On arriving at Sackett's Harbor on September 17, he found a letter from Brown asking help at Fort Erie. Izard made the necessary preparations, but violent storms and contrary winds prevented the embarkation of the troops on Chauncey's fleet until September 21, when Drummond was in full retreat from Fort Erie. At the Genesee River the men were landed and, marching inland, reached Batavia on September 27, where Izard met Brown by appointment. There Izard learned for the first time of Drummond's retreat to Chippewa. He had before him the opportunity of a lifetime to show his ability in the field. Drummond's army, disheartened by defeat and reduced by sickness, numbered only about 2,500 men. Izard's command numbered 5,500 regular troops and 800 militia. He had plenty of time to destroy Drummond's force before winter set in and to reap the laurels of Brown's hard work and desperate fighting. Brown was eager for the attack and for a time Izard seemed disposed to make the attempt.\* Meanwhile, supposing his work to be over for the year, Chauncey retired to Sackett's Harbor and began to throw up batteries to defend his ships. Now that Chauncey was no longer on the lake, Izard lost altogether the little confidence he had previously had in the success of the enterprise. He made a decision which ruined his military reputation forever and destroyed his usefulness to the

service. On the 21st, finding that Drummond still continued within his works, that the weather was becoming severe and that the officers and men were beginning to suffer from continued fatigue and exposure, Izard broke up his encampment and marched to a place just opposite Black Rock. There the army rapidly fell to pieces. Brown was sent with some of the troops to Sackett's Harbor, where the next fighting was expected. Some of the troops retired to winter quarters at Buffalo, and on November 5, after the flag had been hauled down at Fort Erie, the works were blown up and the British were once again in control of the Canadian side of the Niagara frontier.\* Thus relieved from fear of attack, Drummond hurried his troops aboard ship, reached Kingston on November 10 and began to aid Sir George Prevost in preparing for an attack on Sackett's Harbor.† Shortly after Prevost was recalled to England and a new commander-in-chief, Sir George Murray, was sent to direct the next campaign. By this time 27,000 regulars (including officers) were in Canada. A 74-gun ship and a new frigate had been launched at Kingston, and it could not be doubted that with the return of the spring Sackett's Harbor would be besieged. Izard, however, remained at Buffalo, entirely inactive.†

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\* Lossing, *War of 1812*, p. 846.

† Adams, *United States*, vol. viii., pp. 115-119; McMaster, vol. iv., pp. 68-69.

\* Armstrong, *Notices*, vol. i., p. 107.



## CHAPTER XIX.

1812-1814.

## THE CAMPAIGN AMONG THE CREEKS.

Jackson's departure to occupy East Florida — Refusal of Congress to sanction this project — Dismissal of Jackson's force — Wilkinson's expedition — Condition of the Indians — The trouble caused by Little Warrior's outrage and subsequent death — The attack on McQueen — The massacre at Fort Mimms — Coffee's attack on the Indians at Tallishatchee — Jackson's victory at Talladega — The troops' mutinous conduct — White's attack on Hillabee villages — Floyd's victory at Autossee — Claiborne's destruction of Weatherford's town — The battle at Emuckfaw — The Indians' repulse at Enotachopco Creek — Floyd's victory at Tuckaubatchee — Jackson's letter to Blount — The battle of Horseshoe Bend — Signing of the treaty of peace.

Though military movements in the southern department had attracted little attention, they were still important. On October 12, 1812, Secretary Eustis directed Governor William Blount, of Tennessee, to mobilize 1,500 troops for the defence of the "lower country." \* This force was not intended for defence, but for conquest, and was to support the seizure of Mobile, Pensacola, and St. Augustine by the regular troops.

The people of the Mississippi Valley were yearning for such a campaign and when Governor Blount authorized Jackson as major-general of the State militia to call for 2,000 volunteers for this purpose, almost every man in the State responded. † The call was issued on November 14 and of those who volunteered 2,070 were accepted. ‡ These were gathered at

Nashville on December 10. On January 7, 1813, the infantry under Jackson embarked in boats to descend the river, \* while the mounted men under John Coffee rode through the Indian country to Natchez. † As described by Jackson, these men were "the choicest of our citizens. \* \* \* They go at our country's call to do the will of government. No constitutional scruples trouble them. Nay, they will rejoice at the opportunity of placing the American eagle on the ramparts of Mobile, Pensacola, and Fort St. Augustine." ‡ For more than a month the infantry journeyed by boat down the Cumberland, the Ohio, and the Mississippi, and reached Natchez on February 15, where, at the

\* Frost, *Life of Andrew Jackson*, p. 101.

† Lossing, *War of 1812*, pp. 742-743. According to Buell (*History of Andrew Jackson*, vol. i., p. 261), the total effective force present for duty was 2,588 men, Thomas Hart Benton commanded one of the regiments.

‡ Parton, *Life of Jackson*, vol. ii., p. 372. See also Bruce, *The Romance of American Expansion*, p. 61; Fuller, *The Purchase of Florida*, p. 201.

\* Lossing, *War of 1812*, p. 742.

† Jackson's address is in Parton, *Life of Jackson*, vol. i., pp. 366-367.

‡ Buell (*History of Andrew Jackson*, vol. i., p. 259) gives the number reporting for duty as 2,486.



request of Wilkinson, they encamped on the bluff to await orders from Washington.\*

Though Madison and Monroe were heartily in favor of seizing the Floridas, Congress did not evince any great readiness to act. On January 19, 1813, a Senate committee reported a bill authorizing the President to occupy both Floridas and to exercise government there, provided the country east of the Perdido remain subject to future negotiations. The bill met with great opposition. On January 26 Smith moved that the section authorizing the seizure of Florida east of the Perdido be stricken out, which was done on February 2 by a vote of 19 to 16. On February 5, however, by a vote of 21 to 11, the President was authorized to seize Florida west of the Perdido or otherwise to occupy Mobile. The House passed the bill in secret session on February 9 and the President signed it on the 12th.† This completely disarranged Madison's plans, for Jackson was now on his way to seize East Florida, but as he was left no alternative, Jackson's troops were dismissed from the public service on February 6, 1813.‡

Meanwhile Armstrong had sent

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\* Lossing, *War of 1812*, p. 743; Parton, *Life of Jackson*, vol. i., pp. 373-374.

† *Annals of Congress*, 12th Congress, 2d session, pp. 124-127; *United States Statutes-at-Large*, vol. iii., p. 472.

‡ Lossing, *War of 1812*, p. 743; Parton, *Life of Jackson*, vol. i., pp. 377-378; Frossi, *Life of Jackson*, p. 102; Buell, *History of Andrew Jackson*, vol. i., p. 266; Fuller, *The Purchase of Florida*, p. 201.

Wilkinson a copy of the act of February 12 ordering him to take possession of West Florida as far as the Perdido. Only too anxious to get into action, Wilkinson organized an expedition of 600 men at Pass Christian and on April 12 entered Mobile Bay.\* At the same time, the garrison at Fort Stoddert descended the Tensaw River and cut communication by land between Mobile and Pensacola. On April 15 Wilkinson captured Fort Charlotte at Mobile, took possession of the country as far as the Perdido,† began the construction of Fort Bowyer on Mobile Point at the entrance to the bay,‡ and then returned to New Orleans, where on his arrival on May 19 he found orders directing him to go to the Canadian frontier.||

Meanwhile trouble was brewing with the Indians. On August 7, 1786, Continental Congress had passed an ordinance for the regulation of Indian affairs. The country inhabited by the Indians was divided into two parts, each in charge of a superintendent, those Indians residing north of the Ohio and west of the Hudson constituting the northern division, and those residing south of the Ohio and east of the Mississippi being included in the southern district. In the western part of the southern district from the Ohio to the Gulf lived the Chickasaws and

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\* Lossing, *War of 1812*, p. 741.

† The convention for the evacuation is in Wilkinson's *Memoirs*, vol. i., pp. 508-513.

‡ Hamilton, *Colonial Mobile*, pp. 358-363; Lossing, *War of 1812*, pp. 741-742.

|| Wilkinson's *Memoirs*, vol. i., p. 523.

the Choctaws, at the eastern end were the Creeks, and along the Florida border were the Seminoles. The bounds of the Creek hunting grounds had been narrowed down by treaties until they were the Tennessee River, the western half of Georgia, and the present State of Mississippi. Under the administration of the Superintendent in charge (Benjamin Hawkins), the Indians had rapidly advanced in the arts of agriculture and had even adopted a sort of national government. Hawkins believed the chiefs to be well disposed, although he was aware that the visit of Tecumseh in 1811 had greatly excited the young warriors.\* The old chiefs were still peaceable and vigilant; they resisted the endeavors of Tecumseh and strove to dissuade their fellow tribesmen from joining in his perilous and hopeless scheme. In the autumn of 1812 Tecumseh again made his appearance in the Creek towns, not to tell the warriors of impracticable confederacies, but to arouse them to war.† So secret was Tecumseh's influence that no suspicion of the excitement reached Hawkins even when the War of 1812 opened, and the old chiefs were kept in ignorance of what was being done among the younger warriors. For 18 months after Tecumseh's visit the young men conspired without public alarm, and probably would have con-

tinued to do so, had not an outbreak occurred many miles away.

In 1812 the Creeks sent a band of six warriors under Little Warrior, a head-man of the town of Wewocau, on a mission to the Chickasaws.\* When their mission had been accomplished, the Indians should have returned to their homes, but instead Little Warrior took them northward and joined Tecumseh at Malden. They took part in the massacre at the River Raisin in January of 1813, and soon afterward began their journey homeward, bringing talks from the British and the Shawnese and a letter from a British officer at Malden to the Spanish officials at Pensacola, from whom they hoped to obtain weapons and powder. According to report, Tecumseh had told Little Warrior that as soon as he and the British had captured Fort Meigs he would join the Creeks, but until then his friends in the South should not provoke war, though secretly increasing their party.† In February Little Warrior and his party crossed Indiana and reached the north bank of the Ohio about seven miles from its mouth, where on February 9 they foully murdered three families of settlers. On March 29, therefore, Hawkins demanded that Little Warrior and his six companions be delivered to him to answer for their crime.‡ At the instance of Big

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\* For details of this visit see Adams, *United States*, vol. vii., pp. 220-222.

† For details of this visit see Pickett, *History of Alabama*, vol. ii., p. 242 *et seq.*

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\* *American State Papers, Indian Affairs*, vol. i., p. 839.

† *Ibid.*, vol. i., pp. 846, 851.

‡ *Ibid.*, p. 839.

Warrior, the chiefs declared Little Warrior and his band guilty and ordered them to be executed. The accused men took to the woods, but were soon killed.\*

These measures caused much excitement. For several weeks no outbreak occurred, but the Prophet became busier than ever. Noticing this, the old chiefs on June 4 sent a message to the Alabamas; but as the runner was one of the warriors who had aided in killing the seven murderers, the Alabamas instantly put him to death and sent his scalp to their friends.† Within a few days the whole Upper Creek country was aflame. Every warrior who had taken part in hunting down and killing the murderers was either killed or driven from the Upper Creek country. Even the old chiefs with difficulty escaped to Coweta to place themselves under the protection of Hawkins.‡ The Lower Creek towns did not join the outbreak, but of the 34 Upper Creek towns, 29 declared for war. The Red Sticks, as the fighting Indians were called, numbered about 2,000, and their avowed purpose was to wipe out the white settlements of Mississippi, Georgia and Tennessee.

The cooler heads among the war party determined to seek aid from the Spaniards. When Little Warrior was put to death, the letter to the Spanish

officials at Pensacola had fallen into the hands of a half-breed, Peter McQueen, who, gathering a band of 300 warriors and collecting \$400, set out for Pensacola early in July to get powder.\* The Spanish governor treated the Indians civilly, and, being in fear of violence, gave them guns, powder and ball.† They then started on their return home. News of McQueen's expedition soon reached the American settlements above Mobile, where Colonel James Caller issued a proclamation calling for volunteers to attack McQueen. A large number of the Americans under the leadership of Caller, Samuel Dale and a half-breed named Dixon Bailey (whose wife had been taken prisoner by McQueen), started on July 26 to intercept McQueen. On the next day they surprised the Indians at a place called Burnt Corn, about 80 miles north of Pensacola, and captured some of their stores, though with a loss to themselves of 2 killed and 15 wounded.‡ Thoroughly angered by the attack and determined to revenge himself, McQueen gathered about 800 Indians and on August 20 started in search of the men who had attacked him at Burnt Corn. McQueen's strongest ally was William Weatherford, a half-breed, who was bitterly hostile to Bailey and

\* *Ibid.*

† Lossing, *War of 1812*, p. 748.

\* *American State Papers, Indian Affairs*, vol. i., pp. 841-844. See also Adams, *United States*, vol. vii., pp. 222-226; McMaster, vol. iv., pp. 159-160.

† *American State Papers, Indian Affairs*, vol. i., p. 846.

‡ *Ibid.* vol. i., p. 849.

‡ *American State Papers, Indian Affairs*, vol. i., p. 851. See also Claiborne, *Life and Times of General Samuel Dale*, pp. 65-82; Pickett, *History of Alabama*, vol. ii., p. 255; Hamilton, *Colonial Mobile*, p. 369.



to Daniel Beasley, another half-breed, who had been engaged in the attack on McQueen. Both Beasley and Bailey were then at a stockade called Fort Mimms, at the junction of the Alabama and the Tombigbee, about 35 miles above Mobile. There about 550 persons were gathered protected only by a picket wall pierced with 500 loop holes and entered through two high gates.\*

Governor Ferdinand L. Claiborne had sent Major Beasley with about 180 men to Fort Mimms and subsequently urged Beasley to exercise the utmost vigilance and caution, charging him to complete the blockhouses and to strengthen the blockades so as to be prepared against sudden attack. The refugees in the fort chose Dixon Bailey as commander, he being very popular for his share in the Burnt Corn expedition.† Under some unaccountable delusion, neither Bailey nor Beasley acted as though there were any danger; many fake alarms of the approach of Indians had been given and these finally became so frequent that the inmates grew indifferent.‡ Twice the negroes had warned the people in the fort that Indians had been seen in the canes; but, instead of heeding this information, the people of the fort flogged the wretched

negroes.\* Yet their story was true, for at noon on August 30, when the drums beat for dinner, the Red Sticks under Weatherford, raising the war-whoop, rushed upon the fort through an open field, and as no sentinels seem to have been on duty, had advanced within 30 yards of the stockade without being discovered.† The gate being wide open, Beasley attempted to close it, and was tomahawked on the spot.‡ The fight raged for some hours, but the weight of numbers began to tell and the garrison was gradually driven back until the Indians got possession of the loopholes outside and of one enclosure. The whites under Dixon Bailey held the inner enclosure with desperate valor, but finally the Indians set fire to the house in the centre and soon the whole stockade was in flames.|| At length, about 5 o'clock in the afternoon, the survivors, many of whom were wounded, resolved to force their way out. The attempt was made, but only 12 succeeded, among them Dixon Bailey, who soon died of his wounds.§ Of the 553 inmates, a few negroes who were carried off as slaves, and the 12 white men who escaped were all that remained; the rest perished in the fight

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\* Lossing, pp. 753-754; Hamilton, *Colonial Mobile*, p. 369.

† Claiborne, *Life of General Sam. Dale*, p. 109.

‡ Lossing, *War of 1812*, p. 755.

|| *Ibid.*, pp. 755-756.

§ Pickett, *History of Alabama*, vol. ii., p. 276; Lossing, *War of 1812*, p. 757. Adams and McMaster (who evidently follows Adams) say 15 escaped.

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\* Plans of the fort will be found in Claiborne, *Life and Times of General Samuel Dale*, p. 112; Pickett, *History of Alabama*, vol. ii., p. 265; Lossing, *War of 1812*, p. 756; *Harper's Magazine*, vol. xxviii., p. 603.

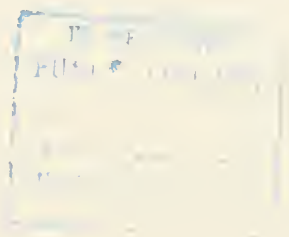
† Lossing, *War of 1812*, p. 752.

‡ *Ibid.*, p. 753.





THE MASSACRE AT FORT MIMMS.



or in the flames, or were put to death after all resistance had ceased.\*

After destroying Fort Mimms the Indians spread over the country burning the deserted houses, destroying the crops, and murdering every white person they encountered. In this emergency, with no help from the government at Washington, the neighboring States came to the rescue. Georgia, Mississippi, and Tennessee responded, but the main body of the forces came from Tennessee. All over the State meetings were held, addresses and appeals were made, and the Legislature authorized the Governor to call out 3,500 men, voting also \$300,000 for their support.† It was not long before the needed number was enlisted. When news of the massacre reached Nashville in September, Jackson was confined to his bed by a pistol-shot wound received in a brawl with Thomas Hart Benton and his brother Jesse.‡ He issued an order calling into service his 2,000 volunteers of 1812 and on October 12, a

little more than a month after the massacre, he and his army of 2,500 infantry and 1,000 cavalry crossed Tennessee and camped in what is now Alabama.\* Between his camp and the Hickory Ground, where lay the villages of the fighting Creeks, was 160 miles of wilderness. To plunge into this wilderness without provisions was foolhardy, but no provisions were to be had, for the river was low and none of the food ordered could come down from East Tennessee. Nevertheless, having sent his mounted men away to forage on the banks of the Black Warrior River, he broke camp and forced his infantry to a spot where the Tennessee makes its great south bend, and there on October 23 in a mountainous defile established a camp, which he called Fort Deposit.† On October 25 Jackson again plunged into the mountains and within ten days reached the headwaters of the Coosa. On November 2 he was informed that a considerable number of the enemy had posted themselves at Tallishatchee on the south side of the Coosa, about 13 miles distant.‡ Accordingly he detached Colonel John Coffee with 920 men to destroy them. At next daybreak Coffee reached the encampment, but the Indians, aware of his approach, were prepared to receive him. Within a short distance of

\* Pickett, *History of Alabama*, vol. ii., pp. 264-284; McMaster, vol. iv., pp. 162-163; Adams, *United States*, vol. vii., pp. 229-231. See also *Harper's Magazine*, vol. xxviii., p. 603; *American State Papers, Indian Affairs*, vol. i., pp. 853-854; Parton, *Life of Jackson*, vol. i., pp. 411-421; Halbert and Hall, *Creek War*, p. 157; Brackenridge, *History of the Late War*, pp. 189-190; letter of Claiborne, quoted in Brannan, *Official Letters*, pp. 202-204.

† Parton, *Life of Jackson*, vol. i., pp. 422-424; Frost, *Life of Jackson*, p. 114.

‡ For details see Brady, *The True Andrew Jackson*, pp. 232-243; Parton, *Life of Jackson*, vol. i., pp. 386-398; Buell, *History of Andrew Jackson*, vol. i., pp. 282-292; Sumner, *Life of Jackson*, p. 31, Roosevelt, *Life of Benton*, pp. 28-29.

\* Lossing, *War of 1812*, pp. 758-759. Serving under Jackson were David Crockett and Sam Houston.

† Lossing, *War of 1812*, p. 760; Parton, *Life of Jackson*, vol. i., p. 430 *et seq.*

‡ Frost, *Life of Jackson*, p. 132.



the village they charged upon him with great boldness, but were repulsed. The Indians refused to give or receive quarter and, according to General Coffee's report, not one of the

own loss as 5 men killed and 41 wounded.\*

Meanwhile Jackson had begun the construction of a fort on the Coosa (about 35 miles from his base on the Tennessee), naming it Fort Strother. It was expected that a division of the East Tennessee militia approaching from Chattanooga under Major-General John Coeke would join him there, but on November 7, while still waiting, he received a message that 160 friendly Creek warriors in Lashly's Fort at the frontier Creek town Talladega, about 30 miles to the southward, had been besieged by a body of hostile warriors 1,080 strong and were in danger of capture.† Jackson immediately set off at the head of 1,200 infantry and 800 cavalry, and in two days was within a mile of the enemy, whereupon he made arrangements for surrounding them, and before his approach was discovered, had come within 80 yards of them. The advance, consisting of a company of artilleryists with muskets, two companies of riflemen and one of spies, under command of Colonel William Carroll, marched about 400 yards in front, with orders to fall back on the centre,



warriors escaped to tell the news.\* After the battle Coffee's men counted 186 dead Indians, but estimated the total loss at 200. Coffee reported his

\* Lossing, *War of 1812*, p. 763; Parton, *Life of Jackson*, vol. i., pp. 435-438; Brackenridge, *History of the Late War*, p. 190.

\* Coffee's report in Fay, *Official Accounts*, pp. 143-145. See also Buell, *History of Andrew Jackson*, vol. i., pp. 302-304; Adams, *United States*, vol. vii., pp. 236-237.

† Parton, *Life of Jackson*, vol. i., pp. 440-441; Lossing, *War of 1812*, pp. 763-764. Buell (*History of Andrew Jackson*, vol. i., p. 306) gives the strength of the Indians at from 850 to 1000 and the number of persons at the fort as 120 Indians and 17 whites.



when the action began, so as to draw the enemy after them. In the rear of the centre were placed 250 cavalry as a reserve corps. On the right was General William Hall's brigade and on the left that of General Isaac Roberts. The cavalry were ordered, after encircling the enemy (by uniting the fronts of their columns and keeping their rear connected with the infantry), to face and press toward the centre, so that the enemy would be caught between a cross fire. The action began at 8 o'clock in the morning and, following their instructions, the advance retired toward the centre, but not until they had driven the Indians from their position. The latter now attacked the brigade of General Roberts, and had not three companies of the militia given way before the onslaught (thus allowing a considerable number of Indians to escape to the mountains), the whole body of Indians would have been killed or captured.\* Jackson then ordered Bradley's regiment of volunteers forward to fill the vacaney, but as they could not arrive in time to cut off the retreating Indians, he ordered the reserve to dismount and charge. This served to rally the militia, who now returned to the firing line and within 15 minutes the Indians were totally routed. The victory was very decisive. According to Jackson's report 290 of the enemy were found dead on the field, while undoubtedly many

more killed or wounded were not found.\* Jackson's loss was 15 killed and 85 wounded.†

In that position Jackson was within 60 miles of Hickory Ground, but lack of supplies and the arrival of news that the East Tennessee army under Cocke had turned eastward toward the Tallapoosa forced Jackson to return to Fort Strother, which he reached on November 10. There idleness and hunger began their work. After enduring great hardship, the militia mutinied; but Jackson called out the volunteers and restored order. No sooner had this been done than the volunteers themselves mutinied and the next day started for home.‡ Jackson then called out the militia and barred the way of the volunteers, and finally appeased them by promising the field and platoon officers that the whole force could go home if supplies did not come in two days.¶ When this time expired without any food reaching Fort Strother, the army set out for Fort Deposit, but had not gone far when the supply train was encountered and the army returned to Fort Strother.§

\* Parton, *Life of Jackson*, vol. i., p. 444.

† Buell, *History of Andrew Jackson*, vol. i., pp. 306-310; Braekenridge, *History of the Late War*, pp. 190-191; Adams, *United States*, vol. vii., p. 238; Frost, *Life of Jackson*, pp. 142-146. Buell gives Jackson's loss as 15 killed, 77 disabled and nearly 100 slightly wounded.

‡ Parton, *Life of Jackson*, vol. i., pp. 459-460; Frost, *Life of Jackson*, pp. 150-151.

¶ Parton, *Life of Jackson*, vol. i., pp. 460-461. See his speech in Frost, *Life of Jackson*, pp. 152-153. See also Lossing, *War of 1812*, pp. 767-768.

§ Parton, *Life of Jackson*, vol. i., pp. 461-465.

\* Lossing, *War of 1812*, p. 765.

Jackson then hoped soon to end the Creek War, but was again disappointed, for on December 10 the volunteers claimed their discharge. As reinforcements arrived two days later, Jackson yielded after much argument and the volunteers went off in a body.\* This did not mend matters, however, for the term of the east Tennessee militia by whom he had been reinforced was but a few weeks longer than that of the west Tennesseans, and Jackson could not persuade them to lengthen their stay even for a short raid against the enemy. During the month, therefore, they guarded the fort in idleness.

Meanwhile General Cocke had accomplished results which were only embarrassing to Jackson. About the middle of October Cocke, with 2,500 three months' militia, took the field and late in the month reached the Coosa, 60 or 70 miles above Fort Strother.† After Cocke's first success, Jackson ordered General White to join him,‡ Jackson intending to press onward and crush the Indians before they could recover from the panic produced by these blows. White, however, being subordinate to General Cocke, was detained by the latter, who desired to retain separate

command.\* The nearest Creek Indians were the Hillabees, who lived on a branch of the Tallapoosa about 60 miles from Cocke's position. Unaware that these Indians were in a peaceful mood, were negotiating for submission to Jackson, and were to receive his terms of protection,‡ Cocke on November 11 sent a detachment under General White into the Indian country, where on November 18 he surprised one of the Hillabee villages, massacred 61 warriors, and captured the other inhabitants, about 250 in number, without the loss of a single man.§ He then burned several villages deserted by the Indians and returned on the 23d.|| This conduct greatly displeased Jackson, who believed that Cocke had intentionally remained at a distance in order to maintain an independent command.§ Not until Jackson's troops disbanded and marched home did Cocke go to Fort Strother where he remained a month until January 12, 1814, guarding Jackson. Then the term of these

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\* Lossing, *War of 1812*, pp. 766-767; Frost, *Life of Jackson*, pp. 147-148. For a different version see Parton, *Life of Jackson*, vol. i., p. 419 *et seq.*

† Frost, *Life of Jackson*, p. 160.

‡ Lossing, *War of 1812*, p. 767; Parton, *Life of Jackson*, vol. i., p. 452.

§ Adams, *United States*, vol. vii., pp. 240-241. See also White's report, in Fay, *Official Accounts*, pp. 159-161.

§ Parton, *Life of Jackson*, vol. i., p. 451. Lossing says this was unjust and two or three weeks later, when he became convinced of his error, Jackson invited Cocke to join him with his army at Fort Strother.

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\* Buell, *History of Andrew Jackson*, vol. i., p. 313 *et seq.*; Frost, *Life of Jackson*, p. 116 *et seq.*; Parton, *Life of Jackson*, vol. i., p. 471 *et seq.*

† Lossing, *War of 1812*, p. 766.

‡ Frost, *Life of Jackson*, pp. 128, 138.

troops expired and they marched home.\*

While the troops under Jackson and Cocke were marching through northern Alabama, the Georgians had organized a force under Brigadier-General John Floyd to enter the heart of the Creek country.† Floyd's force consisted of 940 militia and between 300 and 400 friendly warriors of the lower Creek villages. Floyd had learned that a large body of hostile Indians had assembled at Autossee on the Tallapoosa near Tuckaubatchee. On November 24 he crossed the Chattahoochee with five days' rations, penetrated to within nine or ten miles of the Indian village without meeting opposition, and on the morning of November 29 drew up his troops in battle order in front of the town.‡ The Creeks occupied a strong position and stood on the defensive, but the well-directed fire of the artillery and a desperate bayonet charge soon triumphed over all opposition, and by 9 o'clock Floyd had driven the Indians from their town and burned their houses, supposedly 400 in number.|| He estimated their loss at 200 killed, while his own was but 11 killed and 54 wounded.§ After the battle Floyd,

severely wounded, ordered the troops to retreat to Fort Mitchell on the Chattahoochee.\*

Another attempt from a third quarter had been made, with equally unsatisfactory result. In December of 1813 an expedition was organized from Fort Stoddert, under command of Brigadier-General Ferdinand L. Claiborne, consisting of the 3d United States infantry with a number of militia, volunteers, and Choctaws, altogether numbering about 1,000 men. With these Claiborne marched to the Alabama River above Fort Stoddert, where he constructed a military post called Fort Claiborne.† On December 26 he reached Eechanachaea (or Econoehaea), "the Holy Ground," a town consisting of about 200 houses built to serve as Weatherford's stronghold and supposed by the Indians to be impregnable, since no white man could set foot in it and live.‡ Claiborne attacked the town and, in spite of a brave defence in which 30 Indians were killed, succeeded in capturing it with a loss of but 1 man killed and 6 wounded. Weatherford fled,|| the town was burned and all the land around devastated. Claiborne was unable to maintain his advantage for want of coöperation and therefore retreated,

\* Frost, *Life of Jackson*, pp. 179 *et seq.*, 192-198.

† The appendix of vol. i. of Miller's *Bench and Bar of Georgia* (Philadelphia, 1858) contains the correspondence of Floyd and other Georgia generals.

‡ Lossing, *War of 1812*, p. 768.

|| Frost, *Life of Jackson*, pp. 198-199.

§ Floyd's report in Fay, *Official Accounts*, pp. 161-165; Lossing, *War of 1812*, p. 768; Pickett, *History of Alabama*, vol. ii., p. 300.

\* Adams, *United States*, vol. vii., pp. 241-243; McMaster, vol. iv., p. 167; Brackenridge, *History of the Late War*, p. 191.

† Pickett, *History of Alabama*, vol. ii., pp. 319-320; Lossing, *War of 1812*, p. 771.

‡ Lossing, *War of 1812*, p. 772.

|| For the manner of his escape see Pickett, *History of Alabama*, vol. ii., p. 324.



reaching Fort Claiborne on the last day of the year.\*

On January 14, after the departure of the east Tennesseans, Jackson received reinforcements at Fort Strother of about 900 sixty-day militia.† Three days after their arrival Jackson left Fort Strother to coöperate with General Floyd in an attack on the Tallapoosa villages, aiming at a town called Emuckfaw, about 40 miles north of Tuckaubatchee. This was a much more dangerous movement than any he had yet attempted, for the march was long, the Creek towns were relatively large, and his own troops but a motley array of 930 militia,‡ including a company of officers headed by General Coffee, who had been abandoned by all his men except 40 and assisted by 200 or 300 frontier Creeks and Cherokees.¶ On the 20th he had advanced as far as Enotachopeo Creek, 12 miles from Emuckfaw, and there he camped § At 6 o'clock on the morning of the 22d the Indians assaulted Jackson's left flank, but were repulsed after half an hour of severe fighting. A furious charge of the cavalry under General Coffee

completely routed the Indians and, with great slaughter, drove them nearly two miles from the field.\* The other flank of the camp was attacked soon after, but with no better result. Coffee, followed by less than 60 men,† sallied out to turn the Indian flank, and beat off the Indians with a loss of 45 killed. In this fight Coffee was severely wounded.‡ After passing another night on the ground, Jackson, believing that he had diverted the Indians from their designs against the Georgia troops, began a retrograde movement.¶

The march toward Fort Strother was begun on January 23. Before night the army reached Enotachopeo Creek and again fortified the camp. So hazardous was the passage of the Creek and the defile beyond through which the army had marched on its advance, that Jackson decided not to return by the same path.§ On the morning of the 24th he began to cross the Creek at a safer point, but after the front guard, with part of the flanking column and the wounded, had

\* Adams, *United States*, vol. vii., pp. 243-244. Cf. N. H. Claiborne, *notes of the War in the South, with Sketches of the Lives of Montgomery, Jackson, Serier, Claiborne, and Others* (Richmond, 1819); J. F. H. Claiborne, *Mississippi*, chaps. xxvii.-xxviii., and his *Sam Dale*; Hamilton, *Colonial Mobile*, p. 371.

† Lossing, *War of 1812*, p. 773.

‡ Parton, *Life of Jackson*, vol. i., p. 487. Others (as Buell, *History of Andrew Jackson*, vol. i., p. 318) say only 780 Tennesseans.

¶ Lossing, *War of 1812*, pp. 773-774.

§ Frost, *Life of Jackson*, p. 205.

\* Buell, *History of Andrew Jackson*, vol. i., pp. 319-320; Brackenridge, *History of the Late War*, p. 192; Frost, *Life of Jackson*, pp. 206-208; Parton, *Life of Jackson*, vol. i., pp. 488-489.

† About 200 men had originally been assigned to Coffee, but as Coffee led his men those in the rear dropped off one by one, without his knowledge, until he had only 54 men left. (Frost, *Life of Jackson*, p. 208.)

‡ Jackson's Report in Fay, *Official Accounts*, pp. 170-178; Lossing, *War of 1812*, pp. 774-775.

¶ Adams, *United States*, vol. vii., pp. 245-247; McMaster, vol. iv., p. 167.

§ Parton, *Life of Jackson*, vol. i., p. 491; Frost, *Life of Jackson*, pp. 215-216.



crossed, and just as the artillery were entering the Creek, the Indians fell upon Jackson's force and threw it into disorder.\* The right and left columns of the rear guard fled and drew along with them the greater part of the centre column, so that not more than 25 men were left; but these, reformed by Colonel Carroll, maintained their ground.† The Indians, however, failed to take advantage of the panic, and the troops who had fled were soon rallied and brought into action, as was also the artillery. The conflict soon terminated in the total defeat of the Indians, who left 26 dead on the field. In the engagements of January 22 and 24 Jackson's loss was 24 killed and 71 wounded, whereas the Indians left about 200 dead on the field, besides large numbers wounded.‡ After this Jackson encountered but little opposition and on January 27 arrived safely at Fort Strother, where he remained until the middle of March.||

Meanwhile (on January 18) General Floyd had left Fort Mitchell on the

Chattahoochee and marched toward Tuckaubatchee, 40 miles south of Emuckfaw. His army was composed of about 1,700 men including 400 friendly Indians, whereas at that time the effective strength of the hostile Indians did not exceed 2,000 poorly armed warriors. Late in January he arrived at a point about seven or eight miles south of Tuckaubatchee, and on Calibee Creek established a fortified camp called Defiance. There, early on the morning of January 27, he was unexpectedly attacked, and, after the sentinels had been driven in, a fierce contest took place within the lines. Finally, however, the attack was repulsed. The Indian loss was 37 dead and probably a large number wounded,\* while Floyd's loss was 22 killed and 147 wounded. This was practically a defeat for Floyd, as the militia (having already had enough of Indian warfare) insisted on going home. So determined were they that Floyd was compelled to abandon all his fortified posts and fall back to the Chattahoochee, where he arrived on February 1, after a forced march of four days.†

Thus January closed with the Creeks still triumphant; six months had passed since the Indians took up the war club at Burnt Corn and yet not a post had been permanently occupied in the heart of the Creek country.

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\* Parton, *Life of Jackson*, vol. i., p. 491; Braekenridge, *History of the Late War*, p. 193.

† Lossing, *War of 1812*, p. 777; Parton, *Life of Jackson*, vol. i., p. 492; Frost, *Life of Jackson*, pp. 219-220.

‡ Frost (*Life of Jackson*, p. 223) gives the loss as 20 killed and 75 wounded, as does Lossing, p. 777. The difference is due to the fact that four of the wounded died a few days after the battle. See Parton, *Life of Jackson*, vol. i., p. 491. Coffee's account, quoted by Parton, gives the loss as 18 killed and 70 wounded.

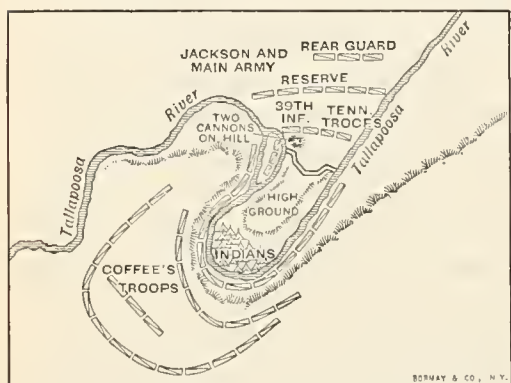
|| Buell, *History of Andrew Jackson*, vol. i., p. 321; Adams, *United States*, vol. vii., pp. 247-249.

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\* Braekenridge, *History of the Late War*, pp. 193-194.

† Adams, *United States*, vol. vii., pp. 249-250, McMaster, vol. iv., pp. 167-168.

When the volunteers left Fort Strother for home, Jackson wrote to Governor Blount for more troops. Though willing to render all possible aid, the governor had already called out more troops than authorized by law, and in a long letter on December 22 said so to Jackson, advising him to give up the struggle and return home.\* Blount little knew Jackson's calibre, and in reply received a letter which



it has rarely been the lot of any governor to receive. Jackson wrote that such a suggestion could come only from bad counselors, that he would not go home, but would hold the forts or perish in the attempt, and that the proper thing for Blount to do was to act with the energy and decision the crisis demanded and send the troops requested.† This letter had the desired effect; Blount put his scruples aside and in January ordered out 4,000 more militia for six months.

\* Parton, *Life of Jackson*, vol. i., pp. 479-480.

† *Ibid.*, pp. 480-484; Frost, *Life of Jackson*, pp. 187-192.

Perhaps this force alone would have been no more effectual in 1814 than in 1813, but Major-General Pinckney's ordering the 39th Regiment of regulars to join Jackson and its arrival on February 6, 1814, gave the latter the means of coping with his militia which had become mutinous.\*

Since many of the men had but a month more to serve, Jackson on March 16 dropped about 30 miles down the Coosa River and then started eastward for the Tallapoosa. The Oefnskee Indians, to the number of about 800, had built a sort of fortress at Tohopeka in the great loop of the Tallapoosa River and there had taken refuge with their women and children. At the bottom of the loop on a flat were the Indian huts, and along the water edge were hundreds of canoes, ready for use should flight become necessary.† After leaving a garrison at a new fort, which he erected on the Coosa about half way to the Horseshoe, Jackson had about 3,000 effectives.‡ With these he camped on March 28 about six miles northwest of the bend and the next morning advanced to attack the Indian stronghold. He sent Coffee with a mounted force of 700 men and 600 friendly Cherokees to gain the southern bank of the river, encircle the

\* Parton, p. 500 *et seq.*; Buell, *History of Andrew Jackson*, vol. i., pp. 324-326.

† Parton, *Life of Jackson*, vol. i., pp. 514-515.

‡ Eaton (*Life of Jackson*, p. 156) so estimates the force. Lossing (*War of 1812*, p. 779) says Jackson had but 2,000 effectives. Buell (*History of Andrew Jackson*, vol. i., p. 326) gives 2,400.

bend, and make a demonstration to divert the attention of the Indians from the real point of attack.\* At 10.30 Jackson planted his cannon about 200 yards from the centre of the work, ready for the attack. On his arrival in the rear, General Coffee sent over the Cherokee allies who brought back so many of the canoes that a detachment of 200 troops under Captain Russell and Lieutenant Bean was soon landed on the Horseshoe, where they set fire to the Indian huts, climbed the high ground in the rear of the breastwork, and began an attack on the Creeks from the rear.† Knowing from the smoke of the fire that Coffee had begun the attack, Jackson ordered an advance. After a furious struggle, the breastwork was finally carried, with considerable loss, by the 39th Regiment supported by General James Doherty's East Tennessee troops. Led by Colonel John Williams and Major Lemuel P. Montgomery, the assailants finally scaled a wall and soon gained the opposite side of the works. Not an Indian would ask for quarter, but from behind fallen trees and piles of logs they kept up a hopeless resistance until darkness ended the combat.‡ They then sought shelter in the thickets and other places, but the brush was set

afire and as the Indians came out they were killed.\* The slaughter was terrible; when the Horseshoe had been thoroughly cleared, it was found that 557 Red Stick warriors had fallen, among them the three great prophets.† Many of the Creeks were shot while attempting to swim the river, and it is believed that only about 200 escaped. The prisoners number 304. Jackson's loss was 51 killed and about 150 wounded, with Major Montgomery among the former and Jackson and Samuel Houston among the latter.‡ To prevent mutilation by the Indians, Jackson sank the dead in the river.||

The day after the battle Jackson returned to his fort on the Coosa, spent five days preparing to descend the river and then marched southward, scouring the country as he went. He was retarded by heavy rains and floods, but on April 15 joined the Georgia troops and on the 18th the united armies pitched their tents at the junction of the Coosa and Tallapoosa rivers, where on the 20th they were joined by General Pinckney, who took supreme command.§ Jackson's presence spread terror among the

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\* Lossing, *War of 1812*, p. 780.

† Parton, *Life of Jackson*, vol. i., pp. 518-520; Fay, *Official Accounts*, pp. 179-181.

‡ Lossing (*War of 1812*, p. 780) gives the total loss as 50 killed and 135 wounded. Jackson's report of this action will be found in *Magazine of American History* (January, 1888), p. 45, and a map on p. 385.

|| Monette, *Valley of the Mississippi*, vol. ii., p. 421; Parton, *Life of Jackson*, vol. i., p. 523.

§ Parton, *Life of Jackson*, vol. i., p. 539.

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\* Frost, *Life of Jackson*, p. 231.

† Lossing, *War of 1812*, p. 779; Buell, *History of Andrew Jackson*, vol. i., pp. 327-328; Frost, *Life of Jackson*, p. 232; Parton, *Life of Jackson*, vol. i., p. 516; Brackenridge, *History of the Late War*, pp. 194-195.

‡ Frost, *Life of Jackson*, pp. 232-235.



Red Sticks and a great number of the Creek warriors and prophets submitted (among them being Weatherford), but others, including McQueen and many of the inhabitants of the Coosa, Tallapoosa, and Alabama country fled over the boundary to Florida and sought aid of England. As the campaign was ended and the Indian power destroyed, Pinckney dismissed the volunteers and Jackson led his troops home to Tennessee.

Meanwhile the white conquerors could take as much of the Creek lands as suited them. On March 17, 1814, Secretary Armstrong authorized Pinckney to conclude a treaty of peace with the hostile Creeks containing a cession of land and other provisions.\* But a few days later (March 20) he decided that the treaty should be military in form and take the character of a capitulation.† The negotiations were entrusted to Jackson. The Creeks were required to yield a large portion of their country as indemnity for the expenses of the war and were ordered neither to hold intercourse with any British or Spanish post or garrison or trading posts nor to deal with any trader who did not have a license from the United States. They consented to the opening of roads, the erection of forts, and the navigation of rivers in any part of the Creek

territory the United States desired, and agreed to use their best endeavors to bring the nation back to its former state, to return the property they had taken from the whites and the friendly Indians and to surrender the prophets and instigators of the war. But when it became known that they must withdraw from the southern and western half of Alabama and must henceforth live between the Chatahoochee and the Coosa, they unanimously refused to make the sacrifice.\* Jackson told them, however, that the land demanded belonged to the hostile Indians and would be taken by the government whether they consented or not, but that they might retain their own part of the country.† Accordingly, knowing that they were powerless, the Creeks, after a long resistance, signed a capitulation and agreement on August 9, 1814.‡ On the part of the United States, Jackson undertook to guarantee them the remaining territory, to restore all their prisoners, and, because of their desperate situation, to furnish them gratuitously the necessaries of life until they could provide for themselves.

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\* See the speech of Big Warrior, quoted in Frost, *Life of Jackson*, pp. 256-257.

† See his speech in Frost, *Life of Jackson*, pp. 258-259.

‡ *American State Papers, Indian Affairs*, vol. i., p. 826; Parton, *Life of Jackson*, pp. 549-560, and App., pp. 633-636.

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\* *American State Papers, Indian Affairs*, vol. i., pp. 836-837.

† *Ibid.*, vol. i., p. 837.



## CHAPTER XX.

1812-1814.

## NAVAL OPERATIONS OF THE HIGH SEAS.

Chase of the *Belvidera* by the *President* — Capture of the *Nautilus* — Escape of the *Constitution* — Defeat of the *Guerrière* by the *Constitution* — Victory of the *Essex* over the *Alert* — Action between the *Wasp* and the *Frolic* — Defeat of the *Macedonian* by the *United States* — Sinking of the *Java* by the *Constitution* — The *Hornet's* fight with the *Peacock* — Anger of the British over the American victories — Action between the *Chesapeake* and *Shannon* — Death of Lawrence and Ludlow — Cruise of the *Argus* in European waters — Her defeat by the *Pelican* — Capture of the *Boxer* by the *Enterprise* — Other actions — Loss of the *Adams* — Defeat of the *Épervier* by the *Peacock* — Victories of the *Wasp* over the *Reindeer* and the *Arion* — Loss of the *Wasp* — Cruise of the *Essex* — Her defeat by the *Phæbe* and the *Cherub* at Valparaiso — Porter's arrival at New York.

While the army was thus sustaining disaster after disaster on land, the despised and neglected navy was covering itself with glory.\* When war was declared but five vessels were ready for sea, the others undergoing repairs in various navy yards. The *President*, 44 (Commodore Rodgers), the *Essex*, 32 (Captain David Porter), and the *Hornet*, 18 (Captain Lawrence), were at anchor in New York harbor,† and on June 21, 1812, were

joined by the *United States*, 44 (Commander Decatur), the *Congress*, 38 (Captain John Smith) and the *Argus*, 16 (Lieutenant-Commander Arthur Sinclair), the whole fleet being in command of Commodore John Rodgers.\* On June 21 Rodgers received word from Secretary Hamilton that, as one or more British cruisers (among them the *Belvidera*, 36, Captain Richard Byron, which had been an intolerable annoyance to New York commerce) were in the vicinity of Sandy Hook, he should strike them and immediately return into port, it being left to his discretion whether to capture or destroy them. On receiving these orders, therefore, Rodgers with his squadron of five vessels set

\* A list of all the engagements occurring during the war, together with armaments, results of actions, etc., is in Robert W. Neeser, *Statistical and Chronological History of the United States Navy, 1775-1907*, vol. ii., pp. 38-60 (1909). Neeser (pp. 294-308) gives also a list of all captures by United States vessels. The same statistics will be found in George F. Emmons, *Statistical History of the Navy of the United States, 1775-1853*, pp. 56-74, 170-201.

† The *Essex*, however, having some repairs to make, was not yet ready for sea. The *Wasp*, 18, was returning from France, the *Constellation*, 38, was lying in the Chesapeake, unable to receive a crew for several months to come; the *Chesapeake*, 38, was at Boston, in a similar condition;

the *Adams*, 28, was at Washington being changed from a frigate to a corvette; the *Constitution*, 44, was at Annapolis, without all her stores; the *Nautilus*, 14, was cruising off the Jersey coast. (Roosevelt, *Naval War of 1812*, p. 72).

\* Paullin, *Life of Rodgers*, pp. 249-250; Mahan, *War of 1812*, vol. i., pp. 320-322.

out in pursuit of the West India fleet, also keeping a sharp watch for the *Belvidera*.

At six o'clock on the morning of June 23 he hove in sight of that vessel and pursued her. The *President*, being the best sailer, soon outdistanced the other vessels and, coming up with the *Belvidera* late in the afternoon, fired three shots into her stern, killing and wounding nine men, besides doing considerable damage to the ship. The *President* was about to send a fourth shot when one of the guns on her main deck burst, killing or wounding 16 men, among whom was Rodgers, whose leg was broken.\* The crew became confused and demoralized, the shots went wild, the sailing became bad, and the *Belvidera* finally escaped.† In this chase the *President* lost 3 men killed and 19 wounded and the *Belvidera* 2 killed and 22 wounded.‡ The fleet again started in pursuit of the Jamaicamen and maintained the chase until within 20 hours' sail of the English Channel. Not daring to go farther, it returned homeward,|| arriving at Boston on August 31, after a very unfortunate cruise, having captured but seven

prizes and recaptured one American vessel.\*

About this time the British Vice-Admiral, Sawyer, dispatched Captain Philip Bowes Vere Broke with a squadron consisting of the *Shannon*, 38 (Captain Broke), the *Belvidera*, 36 (Captain Richard Byron), the *Africa*, 64 (Captain John Bastard) and the *Aeolus*, 32 (Captain Lord James Townshend) to prevent the American navy from doing just what Secretary Hamilton had ordered it to do. On July 9 this squadron was joined by the *Guerrière*, 38 (Captain James Richard Daeres) off Nantucket.† Sweeping down the coast, the squadron seized everything in sight and on July 16 made the first capture of a naval vessel by either side. This was the 14-gun brig *Nautilus* (Lieutenant William M. Crane), which had just left New York for the purpose of cruising in the track of the English Indiamen. She fell in with Broke's squadron and was chased, and though Crane did everything he could to escape, she was compelled to strike to the *Shannon* without a conflict.‡ Her officers and crew, 106 in all, were taken aboard the *Africa*.|| She was afterward fitted with 16 24-pound carronades and commissioned as a cruiser.§

\* Roosevelt, *Naval War of 1812*, pp. 74-75; Lossing, *War of 1812*, p. 435.

† Paullin, *Life of Rodgers*, pp. 251-256; Cooper, *Naval History*, vol. ii., pp. 44-45; Spears, *History of Our Navy*, vol. ii., pp. 28-32.

‡ Maclay, *History of the Navy*, vol. i., pp. 322-325; James, *Naval History*, vol. v., p. 360.

|| Lossing, *War of 1812*, p. 436; McMaster, vol. iv., pp. 70-71; Adams, *United States*, vol. vi., pp. 363-366.

\* Roosevelt, *Naval War of 1812*, p. 78; Mahan, *War of 1812*, vol. i., pp. 323-324, 326.

† Roosevelt, *Naval War of 1812*, p. 82.

‡ Cooper, *Naval History*, vol. ii., p. 46; McMaster, vol. iv., p. 71; Adams, *United States*, vol. vi., p. 369.

|| Maclay, *History of the Navy*, vol. i., p. 334.

§ Lossing, *War of 1812*, p. 436.





1. O. H. PERRY.  
4. WILLIAM BAINBRIDGE.  
7. ISAAC HULL.  
10. THOMAS TRUXTUN.

2. JAMES LAWRENCE.  
5. DAVID PORTER.  
8. ISAAC CHAUNCEY.  
11. JOHN RODGERS.

3. THOMAS MacDONOUGH.  
6. STEPHEN DECATUR.  
9. RICHARD DALE.  
12. JOSHUA BARNEY.





The next day Broke's squadron came upon a richer prize. Captain Isaac Hull, in command of the *Constitution*, had been detained at Annapolis shipping a new crew until July 5, the same day that Broke's squadron left Halifax. On that day the *Constitution* began the voyage to New York and at 2 o'clock in the afternoon sighted what was at first supposed to be the fleet under Rodgers, but was finally ascertained to be Broke's squadron. The British set out in pursuit the next morning, and the ensuing chase was one of the most exciting ever recorded in naval annals. During the night the Englishmen had closed in about the *Constitution*, and when daylight came and the mist lifted the *Shannon* was about five miles astern, two others were to leeward, and the rest of the fleet, about ten miles astern, all making chase. There was no wind and the ocean was calm. Hull put out his boats to tow the *Constitution*, whereupon Broke summoned all the boats of his squadron to tow the *Shannon*.<sup>\*</sup> Broke, having furled all sail, was steadily gaining on the *Constitution* when a little breeze swept over the water and sent her a few hundred yards ahead before the *Shannon* could unfurl her sails and catch the breeze.<sup>†</sup> The wind soon

died out and the *Shannon*, creeping up, got near enough to fire, but her shot fell short and she ceased.\* Fearing that the rigging would be destroyed and the vessel become a prize to the fleet, Lieutenant Charles Morris suggested kedging,<sup>†</sup> and immediately Hull ordered all the spare rope to be paid out in the cutters, which were sent a half mile ahead, where a kedge was let go. As soon as the anchor touched bottom the crew warped the ship along. While this was being done a second kedge was carried forward and dropped, so that when the ship was up to the first the second was ready to be hauled on.<sup>‡</sup> Broke quickly imitated this device and slowly gained on the chase. The *Guerrière* crept near Hull's lee and opened fire, but her shot fell short.¶ All that day and night the British and American crews towed and kedged, and about 2 o'clock of the next day the *Belvidera* unsuccessfully attempted to reach the *Constitution* with her bow guns. Hull expected capture, but the *Belvidera* could not approach nearer without bringing her boats under the *Constitution's* stern guns.§ Thus the wearied crews toiled on until another morning came. During the night a light breeze sprang up

\* Some say that the British began towing first and Hull imitated, but this is not the case, since Hull hoisted out the first cutter at 5.15 A. M. and not until 5.45 did Captain Byron of the *Belvidera* detect the movement. See Maclay, *History of the Navy*, vol. i., pp. 336-337.

† *Autobiography of Charles Morris*, pp. 160-161.

\* Cooper, *Naval History*, vol. ii., p. 47; Roosevelt, *Naval War of 1812*, p. 84; Lossing, *War of 1812*, p. 438.

† *Autobiography of Charles Morris*, p. 161.

‡ Maclay, *History of the Navy*, vol. i., p. 338.

¶ Lossing, *War of 1812*, p. 438; Cooper, p. 48; Roosevelt, *Naval War of 1812*, p. 85.

§ Roosevelt, p. 85; Cooper, p. 49.

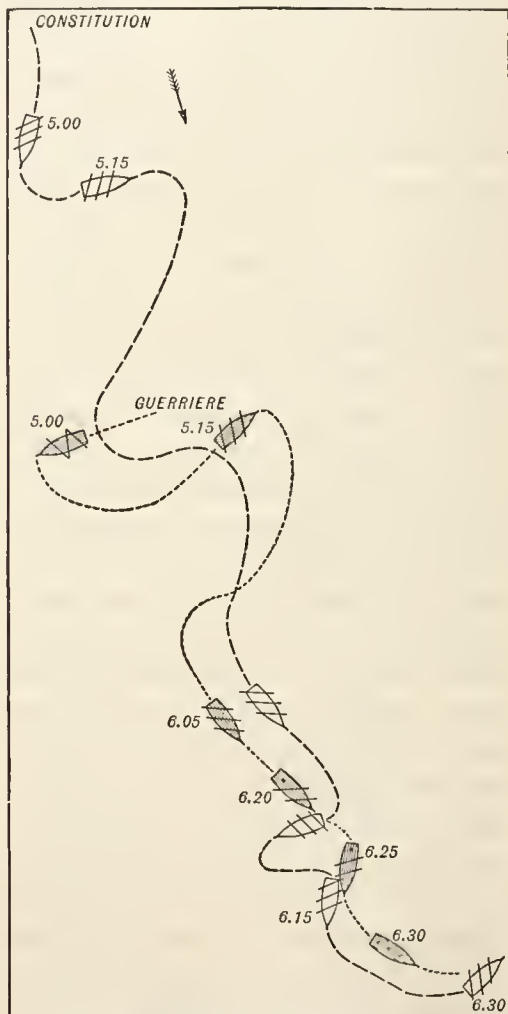
and the men were allowed to rest until 2 o'clock on the morning of the 19th, when the wind once more died out and kedging was again resorted to.\* By this time the *Belvidera* was 2½ miles in the wake of the *Constitution*, the *Shannon* 3½ miles on her lee, the *Aeolus* and *Guerrière* 5 miles to leeward, and the *Africa* so far behind as to be out of the race.† At 6.30 on the evening of the 19th a heavy rain squall was seen coming over the ocean. Hull kept his sails taut and then in a moment unfurled the light ones and double-reefed the others, thus leading the British captains to suppose that a squall of unusual violence was at hand. Without waiting for it to strike them, the British shortened sail and bore up before the wind, which compelled them to take a course directly opposite to that of the *Constitution*. In reality the squall was a light one and as soon as the rain hid the *Constitution* from her pursuers, Hull crowded on sail and left the *Belvidera* and the *Shannon* far astern. The British, however, pursued until 8.30 the next morning (the 20), but Hull finally escaped and on the 27th entered Boston harbor.‡

\* Maclay, vol. i., pp. 339-340.

† Roosevelt, pp. 86-87.

‡ Adams, *United States*, vol. vi., pp. 369-371; McMaster, vol. iv., pp. 71-73; Cooper, pp. 49-52; Maclay, vol. i., pp. 341-343; James Barnes, *Naval Actions of the War of 1812*, pp. 23-32; Hill, *Twenty-six Historic Ships*, pp. 146-156; Hollis, *The Frigate Constitution*, chap. viii.; G. R. Clark, *Short History of the United States Navy*, pp. 102-108 (1911); J. R. Spears, *The History of Our Navy*, vol. ii., pp. 51-70; Abel Bowen, *Naval Monument*, pp. 3-9.

Hull stayed at Boston until August 2, when he set sail to the eastward. At 2 o'clock on the afternoon of August 19 he sighted his old enemy, the *Guerrière* (Captain Dacres).\* The



ACTION BETWEEN THE *CONSTITUTION* AND  
*GUERRIERE*.

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wind was blowing fresh from the northeast with a high sea. Dacres backed his main topsail and waited;

\* Cooper, *Naval History*, vol. ii., pp. 54-55.



BATTLE BETWEEN THE CONSTITUTION AND GUERRIÈRE.





Hull shortened sail and ran down before the wind. For an hour the two ships wore and yawed and manœuvred until a few minutes before six, when they came together, side by side, within half pistol-shot range and with the wind almost astern.\* Not until the frigates were at short pistol range did Hull give the order to fire.† The first broadside was delivered with unerring aim and for ten minutes the battle raged furiously, the *Constitution* rapidly pouring in broadside after broadside until at 6.10‡ the mizzen-mast of the *Guerrière* was shot away, and, falling into the sea, brought her up into the wind and thus caused the *Constitution* to forge ahead.¶ Fearing he might be raked, Hull crossed the bows of the *Guerrière*, came about, raked her, and attempted to lay her on board.§ In doing so the *Guerrière's* bowsprit came diagonally across the *Constitution's* lee quarter and Daeres was given so splendid an opportunity to board the *Constitution* that Hull prepared to resist the attempt, mustering his men on the quarter-deck waiting for the enemy to come over the bulwarks.¶ But the sea was too rough to allow boarding and at 6.22 the two ships drifted apart. The fore-

mast of the *Guerrière* then fell, dragging the main-mast with it and, being a helpless wreck, she struck.\* She surrendered none too soon, for every mast was gone, 30 shot had pierced her hull, and 79 of her crew of 272 had been killed or wounded.† The loss on the *Constitution* was only 7 killed and 7 wounded, out of a crew of 456.‡ Hull then transferred his prisoners to the *Constitution* and, as it was impossible to get the *Guerrière* into port, she was set afire and in a few minutes blew up.¶

With the shock of new life the people woke to the fact that, in spite of the disgrace of the *Chesapeake* and the surrender of Detroit, Americans could still fight. The people began to realize that the invincibility of the British on the ocean was destroyed, even though the American navy was a "few fir-built frigates, manned by

\* James, *Naval History*, vol. v., p. 379; Brenton, *English Navy*, vol. ii., p. 51; Lossing, *War of 1812*, p. 444.

† Cooper, p. 57. Maclay says 78. Hull, in his official report, says 39 killed and 61 wounded. See Fay, *Official Accounts*, pp. 27-29.

‡ Roosevelt, *Naval War of 1812*, pp. 92-94.

¶ Barnes, *Naval Actions of the War of 1812*, pp. 35-44; Hollis, *The Frigate Constitution*, chap. ix.; McMaster, vol. iv., pp. 73-76; Adams, *United States*, vol. vi., pp. 372-375; Soley, in *U. S. Naval Inst.*, vol. vii. (October 20, 1881); Dawson, *Battles of the United States*, vol. ii., p. 119; James, *Naval History*, vol. v., p. 372 *et seq.*; Ibid., *Naval Actions*, pp. 6-14; Douglas, *Naval Gunnery*, p. 539; Quincy, *Life of Josiah Quincy*, p. 262; *Historical Magazine* (January, 1870); Hill, *Twenty-Six Historic Ships*, pp. 157-162, and *Romance of the Navy*, pp. 108-112; Clark, *History of the Navy*, pp. 109-117; Spears, *History of Our Navy*, pp. 71-103; Bowen, *Naval Monuments*, pp. 9-16.

\* Roosevelt, *Naval War of 1812*, pp. 89-90.

† Maclay, *History of the Navy*, vol. i., pp. 348-350; Lossing, *War of 1812*, p. 443.

‡ Roosevelt says at 6.20.

¶ Mahan, *War of 1812*, vol. i., pp. 332-333.

§ *Autobiography of Charles Morris*, p. 164; Cooper, *Naval History*, vol. ii., p. 55.

¶ Maclay, pp. 350-353; Roosevelt, pp. 90-91.

a handful of bastards and outlaws.”\* The United States henceforth was to take her place among the foremost maritime powers of the world, for, however small the affair might appear in the general scale of the world’s battles, this half-hour’s fight had raised the United States to the rank of a first-class power. In England the astonishment caused by the news of this battle was indescribable,† mortification and shame falling properly upon those who had so loudly boasted of their invincibility. Every possible reason was given to account for

\* Hansard, *Parliamentary Debates*, vol. xxiv., p. 643; *Niles’ Weekly Register*, vol. iii., p. 271.

† Said the *London Times*: “We have been accused of sentiments unworthy of Englishmen because we described what we saw and felt on the occasion of the capture of the *Guerrière*. We witnessed the gloom which that event cast over high and honorable minds; we participated in the vexation and regrets; and it is the first time we have ever heard that the striking of an English flag on the high seas to anything like an equal force should be regarded by Englishmen with complacency and satisfaction.” \* \* \* It is not merely that an English frigate has been taken, after, what we are free to confess, may be called a brave resistance, but that it has been taken by a new enemy, an enemy unaccustomed to such triumphs, and likely to be rendered insolent and confident by them. He must be a weak politician who does not see how important the first triumph is in giving a tone and character to the war. Never before in the history of the world did an English frigate strike to an American; and though we can not say that Captain Dacres, under all circumstances, is punishable for this act, yet we do say that there are commanders in the English navy who would a thousand times rather have gone down with their colors flying than have set their brother officers so fatal an example.” According to Canning, the early American victories “produced a sensation in the country [England] scarcely to be equalled by the most violent convulsion of nature.”—Hansard, *Parliamentary Debates*, vol. xxiv., p. 643.

Dacres’ defeat. *The Constitution* was said to be a 74 in disguise and to have had a picked crew of British seamen; the *Guerrière* was “an old worn-out frigate; rickety and rotten within.”\* The surprising part of the battle was not Dacres’ defeat, but that he should have expected to win. It was this kind of arrogance that explained and excused the war. The *Constitution* was 173 feet long and 44 feet broad, while the *Guerrière* was 156 feet long and 40 feet broad. The *Constitution* carried 32 long 24-pounders, the *Guerrière* 30 long 18-pounders and 2 long 12-pounders; the *Constitution* had 20 32-pound carronades and the *Guerrière* 16.† The *Constitution* was a better ship in every respect, and though Dacres knew this almost as well as Hull, yet he sought a duel.‡ What Dacres did not know,

\* Regarding these two points see Roosevelt, *Naval War of 1812*, chaps. i.–iii., pp. 96–97. See also Captain A. T. Mahan’s transcript from the British Archives of the *Guerrière* court-martial, in New York Public Library or Naval Records office, Washington.

† Maclay (*History of the Navy*, vol. i., p. 357) gives the armament of the *Constitution* as 30 long 24-pounders, 24 short 32-pounders, and 1 long 18-pounder, throwing 700 pounds net of metal; and of the *Guerrière* (following James) as 32 long 18-pounders, 16 short 32-pounders and 1 short 18-pounder, throwing 597 pounds of metal. Roosevelt (*Naval War of 1812*, p. 70) compares them as follows: the *Constitution*, 30 long 24’s, 2 long 24’s (evidently intended for 18’s) and 22 short 32’s, throwing a nominal broadside of 736 pounds and a real broadside of 684 pounds; *Guerrière*, 30 long 18’s, 2 long 12’s, 16 short 32’s, 1 short 18, throwing 556 pounds. A still different comparison is given in *Autobiography of Charles Morris*, p. 66.

‡ In their ecstasy over the result of the battle, however, the people seemed to lose sight of this

however, was that the American officers and crew were better and more intelligent seamen than the British and that they had the incentive of old scores to settle to give them extra energy.\*

On September 1 all the vessels of the navy were in port save the *Essex*, a frigate rated as a 32, but carrying 44 guns† under the command of Captain David Porter. The *Essex*, left New York on July 3 with orders to join Rodgers, or, failing this, to cruise southwardly as far as St. Augustine. After passing Sandy Hook, the *Essex* began a search for the frigate *Thetis* from South America laden with specie. Porter missed the *Thetis* and instead, during the night of July 10, ran into a fleet of British merchantmen under convoy of the frigate *Minerva*, 36,‡ and took prize a brig containing 197 soldiers.||

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fact, too. A. T. Mahan, *The War of 1812*, in *Scribner's Magazine*, vol. xxxv., p. 344 (January 1904-1905).

\* Adams, *United States*, vol. vi., p. 374; Cooper, *Naval History*, vol. ii., pp. 57-59.

† See the letter of her purser quoted in John R. Spears, *Life of Farragut*, pp. 47-48. Maclay (*History of the Navy*, vol. i., p. 328) says the *Essex* carried 40 32-pounders and 6 long 12's; Roosevelt says the *Essex* carried 46. See his *Naval War of 1812*, pp. 52-53, 58, 63-64, 72.

‡ Maclay (*History of the Navy*, vol. i., pp. 326-327) says 32 guns, as does Roosevelt, *Naval War of 1812*, p. 78.

|| Maclay, p. 327. David G. Farragut was a midshipman aboard the *Essex* at this time. In his journal he says 150 troops and a few general officers. See Loyall Farragut, *Life of David Farragut*, p. 15. Lossing (*War of 1812*, p. 439) also says 150. See also P. C. Headley, *Life and Naval Career of Vice-Admiral David G. Farragut*, pp. 52-53; Adams, *United States*, vol. vi., p. 377;

Sailing southward, the *Essex* cruised until August 30 without meeting a vessel, but on that day the British sloop of war *Alert* (rated at 16 guns, but carrying 2 long 12's and 18 short 32's\*) under Captain Thomas L. P. Langharne, came in sight, and, being deceived as to the nature of the *Essex*, gave chase.† The *Alert* soon closed with the *Essex* and, with three cheers from her crew, opened fire. The *Essex* then revealed her true nature, nearly sank the *Alert* with a broadside, and after eight minutes of fighting compelled her to strike her colors.‡ Porter then had more than 400 British prisoners aboard, and being informed that a mutiny was brewing,§ transferred them to the *Alert*; then, throwing over the guns, and converting her into a cartel, he sent the prisoners on parole to St. John's, Newfoundland.§ After a further cruise, during which he took a number

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McMaster, vol. iv., p. 78; Cooper, *Naval History*, vol. ii., pp. 52-53.

\* Maclay, *History of the Navy*, vol. i., p. 328. Roosevelt (*Naval War of 1812*, p. 80) says she carried 20 18-pound carronades. Lossing (*War of 1812*, p. 439) says she carried 20 18-pounders and 6 smaller guns. See, however, James, *Naval Actions*, pp. 5-6 (Table 1).

† Farragut says that as soon as the *Alert* was discovered, the *Essex* put out drags astern, and led the enemy to believe that she desired to escape by sending men aloft, shaking out the reefs, mast-heading the yards, and making sail. (Loyall Farragut, *Life of Farragut*, pp. 15-16).

‡ Cooper, *Naval History*, vol. ii., pp. 53-54. See also story of the fight as told by the purser, in Spears, *Life of Farragut*, pp. 50-51; Spears, *History of Our Navy*, pp. 33-50.

§ Farragut, *Life of Farragut*, pp. 16-17.

§ Maclay, *History of the Navy*, vol. i., p. 329.



of prizes and was chased by the *Shannon* and another ship, Porter was forced (September 7) to come to port for water and stores.\*

Nearly every ship in the service was then at Boston, including the three 44's, the *Constitution*, the *United States*, and the *President*, the 38's, *Congress* and *Chesapeake*, the *Hornet*, 18, and the *Argus*, 16. The *Constellation*, 38, and the *Adams*, 28, were at Washington; the *Siren*, 16, was at New Orleans, and the *Essex*, 32, and the *Wasp*, 18, were in the Delaware. These vessels were divided into three squadrons. Under Rodgers was placed the *President*, the *Congress*, and the *Wasp*; under Bainbridge, the *Constitution*, the *Essex*, and the *Hornet*; and under Decatur, the *United States* and the *Argus*. Rodgers and Decatur left Boston on October 7 with such ships as were ready. Rodgers cruised southward, but met with ill-luck, capturing only a few small prizes, of which only one (the *Swallow*) was of any value, she having on board \$200,000 in specie.† One of Rodgers' vessels, however, the *Wasp*, 18, master-commandant Jacob Jones, met with a fate both kind and cruel. The *Wasp* was rated as 18 guns, was ship-rigged and armed with 2 long 12-

pounders and 16 32-pound carronades, throwing 249 pounds of metal. Her crew numbered 138 men.\* About 11 o'clock on the night of October 17, when in lat. 37° N. long 65° W., the *Wasp* fell in with some vessels under convoy of the British brig *Frolic* (Captain Thomas W. Whinyates).† In the moonlight these vessels seemed ships of war and the *Wasp* drew to windward, preferring to wait until morning before making an attack. Early the next morning, perceiving that the *Frolic* had signalled her convoy to make all sail before the wind, Jones bore down to attack.‡ At 11 o'clock, having approached near enough, Jones hoisted his colors and pennant so as to make the enemy disclose her nationality. At first the *Frolic* ran up Spanish colors,|| but when within 60 yards the *Wasp* hailed and the *Frolic* ran up the British ensign and opened with cannon and

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\* Maclay, vol. i., p. 433; Cooper, *Naval History*, vol. ii., p. 63; Lossing (*War of 1812*, p. 449) gives her crew as 135.

† The *Frolic* carried 16 32-pound carronades and 4 12-pounders on the main deck and 2 12-pounders on the topgallant forecastle, throwing altogether 292 pounds of metal. Report of Jones, *American State Papers, Naval Affairs*, vol. i., p. 128. Roosevelt (*Naval War of 1812*, p. 104) give the armament as follows: *Wasp*, 2 long 12's. and 16 32-pound carronades; *Frolic*, 2 long 6's, 16 32-pound carronades, and 1 shifting 12-pound carronade. See also James, *Naval Actions*, Table 1.

‡ McMaster (vol. iv., p. 80) says that the *Frolic* alone was armed, but this does not seem to be borne out by the official report of Jones, who says that several of the merchant ships mounted from 16 to 18 guns. See his report in Fay, *Official Accounts*, pp. 44-46. See also Lossing, *War of 1812*, p. 450.

|| Mahan, *War of 1812*, vol. i., p. 412.

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\* Headley, *Life of Farragut*, pp. 54-55; McMaster, vol. iv., p. 79; Maclay, pp. 330-331. As to whether this was the *Shannon*, see Roosevelt, *Naval War of 1812*, p. 81. Farragut says it was the *Acosta*.

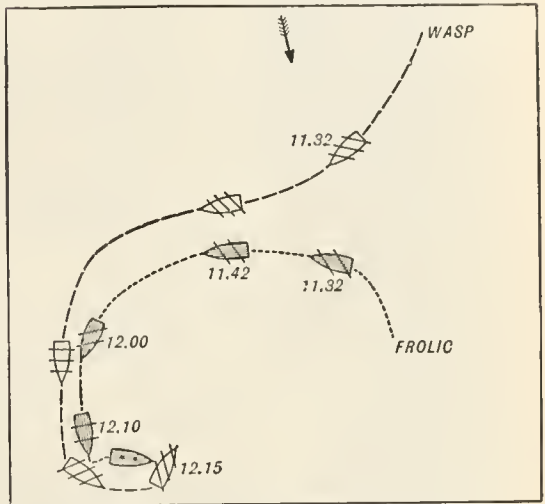
† Paullin, *Life of Rodgers*, pp. 260-262; Cooper, *Naval History*, vol. ii., p. 60; Maclay, *History of the Navy*, vol. i., p. 426.



musketry. The sea was running high and the decks of both vessels were drenched as wave after wave swept over them. The two ships rolled until the muzzles of their guns dipped into the water, but the American gunners fired as their ship went down the wave, so that the shots struck the *Frolic* every time on the deck or hull, whereas the British gunners fired as their ship went up the wave and their shots either hit the rigging of the *Wasp* or missed her entirely.\* In a few minutes the *Wasp* lost her main topsail yard, which, together with the main topsail yard, fell across the port fore and foretopsail braces, and rendered the head yards useless for the rest of the action. Then minutes later the gaff and the mizzen topgallant mast were shot away, leaving the *Wasp* unmanageable.† At 11.52, 20 minutes after the action began, the *Wasp's* rigging was badly cut up, every brace and most of the running rigging being cut away, whereas, in spite of the apparent accuracy of the American gunnery, the *Frolic* had lost only her gaff and head braces. But even this injury to the *Frolic* proved fortunate for Jones, since, being unable to trim her head yards, her after sails threw her into a position to be raked by the *Wasp*.‡

Fearing, however, that the *Frolic*

might escape, Jones, wore ship to board her. As the side of the *Wasp* rubbed the bow of the *Frolic*, Jones ran the bowsprit of the *Frolic* between his own main and mizzen-masts and while in this position ordered his gunners to give her another raking



ACTION BETWEEN THE WASP AND FROLIC.

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broadside. While loading, two of the guns on the *Wasp* went through the port bows of the *Frolic* and upon being discharged completely swept the deck. Lieutenant James Biddle and the crew could no longer be restrained, but with wild shouts clambered aboard the *Frolic*.\* To their amazement, however, not a living soul was on deck save the man at the wheel and three officers, who immediately threw down their swords.† Less than 20 of the British crew of 110 were uninjured and these had gone below to es-

\* Roosevelt, *Naval War of 1812*, p. 101.

† Report of Jones, *American State Papers, Naval Affairs*, vol. i., p. 282, and in *Niles' Register*, vol. iii., p. 217. See also Lossing, *War of 1812*, p. 450; Roosevelt, p. 101.

‡ Maclay, *History of the Navy*, vol. i., pp. 430-481.

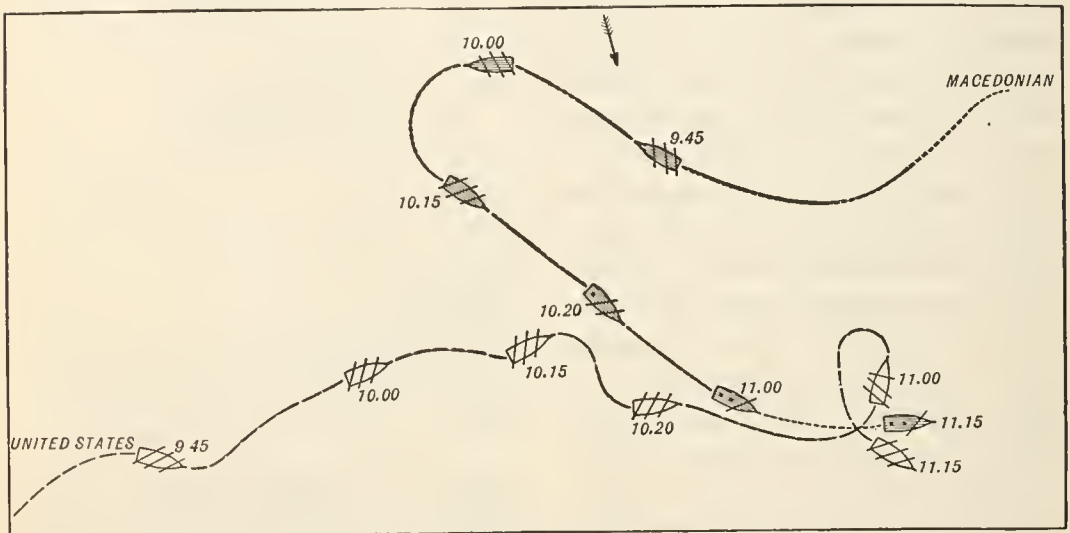
\* Lossing, *War of 1812*, p. 450.

† Roosevelt, *Naval War of 1812*, pp. 102-103.

cape the American musketry.\* The *Wasp* lost only five killed and five wounded.†

Jones now ordered Lieutenant Biddle to take the prize into Charleston, but while busy attending the wounded, burying the dead, and preparing the *Frolic* for the voyage, the British 74-gun frigate *Poictiers*, Captain John P. Beresford, came upon the two disabled combatants, ranged up near the

tur in the *United States* parted company with Rodgers and sailed southward and eastward to the neighborhood of the Azores. On Sunday morning, October 25, while in lat. 29° N. and long. 29° 30' W., Decatur sighted a sail to windward. The stranger instantly made chase, but Decatur had no intention of escaping and stood toward his enemy, which proved to be the frigate *Macedonian*, 38, Captain



ACTION BETWEEN THE UNITED STATES AND MACEDONIAN.

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*Wasp*, and forced her to surrender. The two ships were then taken into Bermuda.‡

On October 12, four days after sailing from Boston with the fleet, Deca-

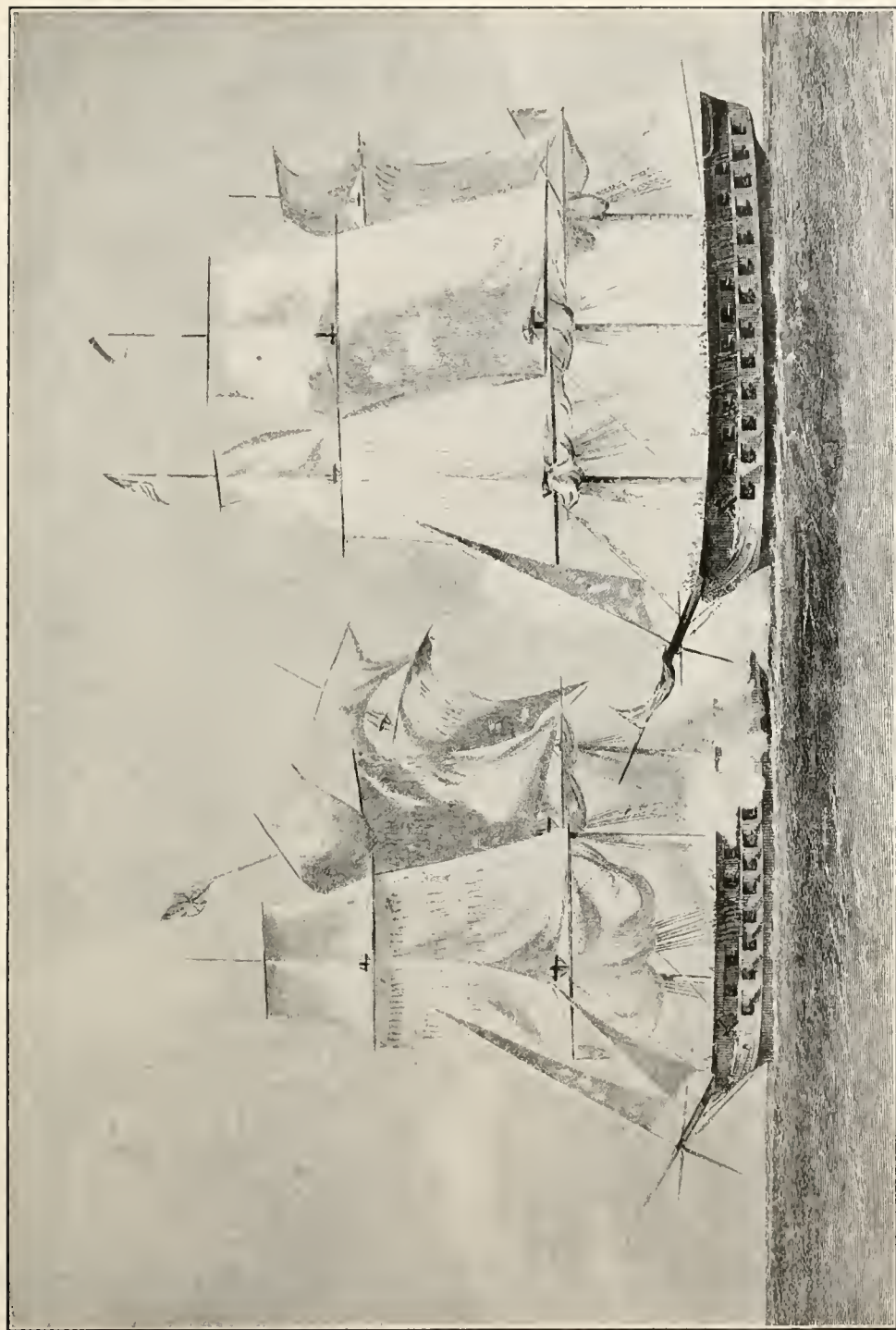
John S. Carden. At first, the *United States* used her long 24-pounders, of which she carried 15 on the broadside,

\* Maclay, *History of the Navy*, vol. i., pp. 431-432. In his *Naval History* James, however, places the British loss at 15 killed and 47 wounded, but in his *Naval Actions* (p. 17) places the total at 69.

† McMaster, vol. iv., pp. 79-81; Barnes, *Naval Actions of the War of 1812*, pp. 47-55; Adams, *United States*, vol. vi., pp. 379-381; James, *Naval Actions*, pp. 14-18; Dawson, *Battles of the United States*, vol. ii., p. 168; James, *Naval His-*

*tory*, vol. v., p. 389; Cooper, *Naval History*, vol. ii., pp. 63-65; Hill, *Twenty-Six Historic Ships*, pp. 86-89, and *Romance of the American Navy*, pp. 136-140; Clark, *Short History of the Navy*, pp. 146-149; Spears, *History of Our Navy*, vol. ii., pp. 104-119; Bowen, *Naval Monument*, pp. 16-23.

‡ Captain Jones' report, in Brannan, *Official Letters*, pp. 92-93; Cooper, *Naval History*, vol. ii., p. 65; Roosevelt, *Naval War of 1812*, pp. 105-106.



BATTLE BETWEEN THE UNITED STATES AND THE MACEDONIAN.





while the *Macedonian* used her broadside of 14 long 18-pounders.\* Such an unequal contest could not long continue. Ten minutes after the battle opened the scene on the *Macedonian* was indescribably confused and horrible.† The American metal was much heavier and her fire quicker and better aimed than that of the Englishman.‡ Discovering this, Carden rashly bore down to engage in close fighting. This only made matters worse, for the carronades of the *United States* then got into play and worked fearful havoc. The *Macedonian's* mizzen-mast fell, her fore and main top-masts were shot away, almost all her rigging was cut to pieces, and every carronade on the starboard side of the quarter-deck and fore-castle was dismounted.¶ At 11 o'clock the *United States* stood athwart the

bows of the *Macedonian* and passed out of range without firing a gun. Supposing that she had given up the fight, the crew of the *Macedonian* set a union jack in the main rigging and gave three cheers.\* But the *United States* had only passed out of shot to refill her cartridges, splice her rigging, bend a few new sails and repair other inconsiderable injuries, and she soon came back, taking up a raking position across the stern of her defenceless foe, whereupon at 11.15 the *Macedonian* struck,† just an hour and a half after the action began.‡ The *Macedonian* had 43 killed and 61 wounded|| whereas there were but 12 killed and wounded on the *United States*.§

Decatur put a lieutenant aboard the *Macedonian* as prize-master and brought her back to New London—the only British frigate ever brought as a prize into an American port.¶

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\* Maclay (*History of the Navy*, vol. i., p. 391) gives the armament of the two vessels as follows: *United States*—32 long 24-pounders, 22 short 42-pounders, throwing 787 pounds of metal; *Macedonian*—28 long 18-pounders, 18 short 32-pounders, 1 long 12-pounder, and 2 long 9-pounders, throwing 555 pounds of metal. Roosevelt (*Naval War of 1812*, p. 112, note) makes the weight 786 pounds for the *United States* and 547 for the *Macedonian*, but says the former may have had only 49 guns instead of 54, in which case her broadside would be only 680 pounds. Roosevelt (p. 70) makes a difference in the armament of the *Macedonian*, he giving it as follows: 28 long 18's, 2 long 12's, 2 long 9's, 16 short 32's, 1 short 18.

† Maclay, *History of the Navy*, vol. i., pp. 374–376.

‡ Roosevelt, *Naval War of 1812*, pp. 109, 113 *et seq.*

|| Brady, *Life of Decatur*, p. 72 *et seq.*; Cooper, *Naval History*, vol. ii., p. 61; Maclay, pp. 377–382.

\* Brady, *Life of Decatur*, p. 77; Lossing, *War of 1812*, pp. 454–455.

† Maclay, pp. 382–383.

‡ Roosevelt, *Naval War of 1812*, p. 109.

|| McMaster, vol. iv., p. 82. Cooper says 36 killed and 68 wounded, as does Maclay (p. 391) and Decatur in his official report (Fay, *Official Accounts*, p. 55). Adams says Decatur lost 11 killed and wounded and the British casualties were “nine times as great.” Brady (*Life of Decatur*, p. 79) says 104 were wounded and only 15 recovered, thus making the total dead 89. Lossing (*War of 1812*, p. 455) gives the British loss as 36 killed and 68 wounded and the American loss as 4 killed and 6 wounded and says two subsequently died of their wounds. James (*Naval Actions*, p. 19) gives the same loss for the British.

§ Report of Decatur, *American State Papers. Naval Affairs*, vol. i., pp. 280–281.

¶ Brady, *Life of Decatur*, p. 84.

The two ships arrived at New London on December 4 and from that port the *Macedonian* was taken to New York, where she was placed under command of Captain Jacob Jones of the *Wasp*, as a reward for his capture of the *Frolic*.\*

Meanwhile, at his own request, Hull had been transferred to shore duty and the command of the *Constitution* was given to Captain Bainbridge, one of the oldest officers in the service. The *Constitution* sailed from Boston on October 26, 1812, accompanied by the *Hornet*, Master-Commandant James Lawrence. The *Essex*, then in the Delaware, was ordered to join the *Constitution* and *Hornet*, but, if she did not find them, to cruise at Porter's discretion.† The *Constitution* and the *Hornet* sailed for Porto Praya; but finding the *Essex* neither there nor at Fernando de Noronha, Bainbridge left a note for Porter at the island and sailed for the coast of Brazil. According to prior arrangements, the *Constitution* and the *Hornet* while in South American waters were to be known as the British frig-

ates *Acasta* and *Morgiana*, while Captain Porter was to be known as Sir James Yeo of the British frigate *Southampton*.\* Bainbridge, therefore, addressed his letter to Sir James Yeo and left it with the governor of Fernando de Noronha, then departing with Lawrence and on December 13 arriving at San Salvador on the coast of Brazil.† There they found the British 18-gun sloop *Bonne Citoyenne*, Captain Pitt B. Greene, bound for England with £500,000 in specie.

Leaving the *Hornet* to watch this vessel, Bainbridge with the *Constitution* sailed away and on the morning of December 29, when about 30 miles off shore in latitude 13° 6' S., long. 31° W. sighted two strange sails inshore and to windward.‡ One of these was the British frigate *Java*, Captain Henry Lambert, a ship of the same tonnage as the *Guerrière* but throwing a slightly heavier broadside and carrying a crew of 426 men.¶ The other ship was an American merchantman, made a prize by the *Java*. Bain-

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\* Mahan, *War of 1812*, vol. i., pp. 416-422; Adams, *United States*, vol. vi., pp. 381-383; McMaster, vol. iv., pp. 81-83; Barnes, *Naval Actions of the War of 1812*, pp. 59-70; S. P. Waldo, *Life of Decatur*, pp. 189-196; Hill, *Twenty-Six Historic Ships*, pp. 201-204; Clark, *Short History of the Navy*, pp. 117-125; Spears, *History of Our Navy*, vol. ii., pp. 120-151; Bowen, *Naval Monument*, pp. 23-28; Mackenzie, *Life of Decatur*, App. v.-vi.; James, *Naval Actions*, pp. 18-21; James, *Naval History*, vol. v., p. 395; Douglas, *Naval Gunnery*, p. 534.

† Roosevelt, *Naval War of 1812*, p. 118.

\* Maclay, *History of the Navy*, vol. i., p. 398.

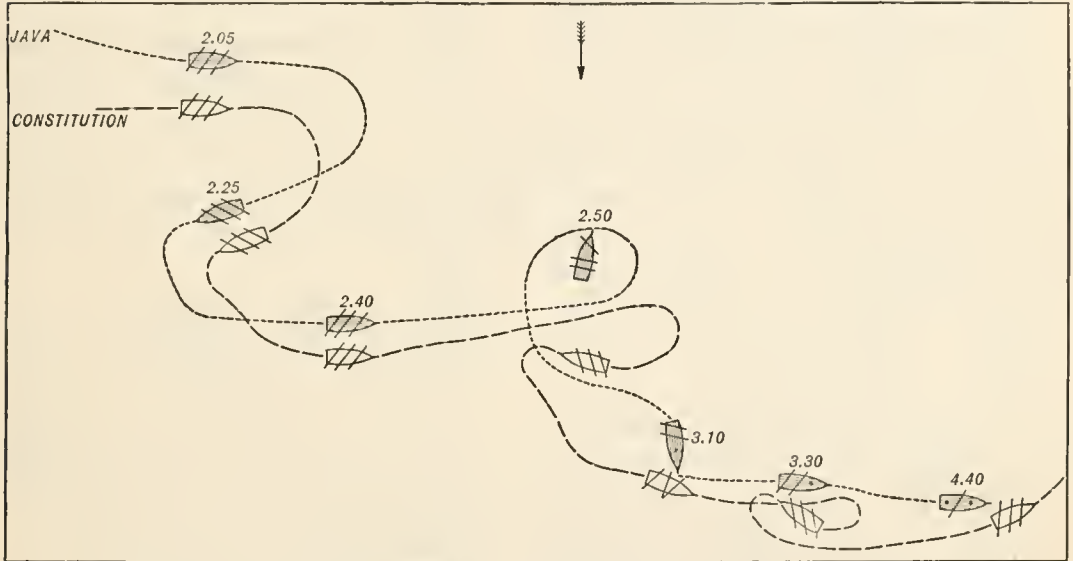
† Cooper, *Naval History*, vol. ii., p. 67.

‡ Lossing, *War of 1812*, p. 459.

¶ Maclay (*History of the Navy*, vol. i., p. 409) thus compares the two ships: *Constitution*—32 long 24-pounders, and 22 short 42-pounders (probably mistaken for 32-pounders), throwing 787 pounds of metal; *Java*—28 long 18-pounders, 16 short 32-pounders, 2 long 9-pounders, and 1 short 18-pounder, throwing 568 pounds. Roosevelt (*Naval War of 1812*, pp. 70, 126) gives the armament as follows: *Constitution*—30 long 24's, 2 long 24's (18's?), 20 short 32's, throwing nominally 704 pounds, actually 654; *Java*—28 long 18's, 2 long 12's, 18 short 32's, 1 short 24, throwing 576 pounds.

bridge immediately stood off shore to draw the stranger away from a neutral coast.\* The *Java* promptly followed until a few minutes past one in the afternoon Bainbridge shortened sail and stood for his enemy.† The fighting began at long range about 2 o'clock the two ships being on the same tack, the *Java* to windward and the better sailer. For 25 minutes the

stern of the *Constitution*, poured in a broadside, luffed, and again raked her, but at too great a distance to inflict serious damage.\* Bainbridge then determined to come within pistol shot and at 2.40 set his sails and boldly headed for the *Java*. He might easily have been raked from stern to stern, but for some unexplained reason the British captain did not im-



ACTION BETWEEN THE *CONSTITUTION* AND *JAVA*.

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two ran on side by side, giving and taking a tremendous fire. They then passed each other on opposite tacks, and while manœuvring to get the weather gage a shot from the *Java* carried away the wheel of the *Constitution*.‡ Taking advantage of this misfortune, the *Java* ran across the

prove his opportunity. At 2.50 the ships were afoul, the *Java*'s jibboom being in the *Constitution*'s mizzen rigging.† At this range the fire became so terrible that in a few minutes the jibboom and the bowsprit of the *Java* had been shot away and the running rigging was almost destroyed. Under cover of the dense cloud of smoke, the

\* Roosevelt, *Naval War of 1812*, p. 119.

† Cooper, *Naval History*, vol. ii., p. 68.

‡ Mahan, *War of 1812*, vol. ii., pp. 4-5; Lossing, *War of 1812*, p. 460.

\* Maclay, *History of the Navy*, vol. i., pp. 402-404.

† Lossing, *War of 1812*, p. 460.



*Constitution* now wore without the enemy seeing the manœuvre until it was almost completed, when the *Java* attempted to follow suit. This was impossible and Bainbridge, taking a position off the bow of the *Java*, swept her deck and, one by one, shot away her fore-mast, main top-mast and spanker boom.\* From that time the battle became slaughter, but the British crew fought on until their commander had fallen mortally wounded and the frigate, riddled and dismantled, lay on the water a wreck full of dead and wounded men. Then they ceased firing.† At 4.05 Bainbridge passed out of the combat for the purpose of refitting, and while so engaged the *Java's* crew rigged a square sail to the stump of the fore-mast, nailed a flag to what remained of the mizzenmast, and awaited the second onslaught.‡ When the *Constitution* returned to the fray at 5.25, the British vessel struck.|| Of her crew, 48 were dead or dying, and 102 were wounded; and the vessel had been literally picked to pieces by the fire of the *Constitution*, spar following spar until not one was left.§ On the

other hand, the *Constitution* did not lose a single spar, while only 12 of her men had been killed and 22 wounded.\* Finding it impossible to save the prize, Bainbridge blew up the *Java*, after removing her crew. He then sailed for San Salvador and, after landing and paroling the prisoners at that place, sailed for Boston, where he arrived on February 27, 1813.†

Meanwhile Captain Lawrence in the *Hornet* was blockading the *Bonne Citoyenne* at San Salvador. Knowing that he could not beat the *Hornet*, Captain Greene sent a note by Portuguese fisherman to the commander of

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of 1812, p. 461) says the British loss, according to another estimate by one of the *Java's* officers, was 65 killed and 170 wounded.

\* Roosevelt, p. 123; McMaster, vol. iv., pp. 83-86; Adams, *United States*, vol. vi., pp. 384-386. Cooper and Lossing give the loss on the *Constitution* as 9 killed and 25 wounded, following Bainbridge's report, in *American State Papers*, *Naval Affairs*, vol. i., p. 290, and in Fay, *Official Accounts*, pp. 71-73.

† Hollis, *The Frigate Constitution*, pp. 177-187; Hill, *Twenty-Six Historic Ships*, pp. 163-167, and *Romance of the American Navy*, pp. 112-115; Clark, *Short History of the Navy*, pp. 126-132; Bowen, *Naval Monument*, pp. 28-37; Spears, *History of the Navy*, vol. ii., pp. 152-177; Dawson, *Battles of the United States*, vol. ii., p. 183; Harris, *Life of Bainbridge*; Barnes, *Naval Actions of the War of 1812*, pp. 73-88; Cooper, in *Graham's Magazine* (October, 1842); James, *Naval History*, vol. v., p. 409; Douglas, *Naval Gunnery*, p. 548; James, *Naval Actions*, pp. 21-28; Cooper, *Naval History*, vol. ii., pp. 70-72. For the reward and reception given to Bainbridge and the officers and crew and the effect of the victory in England, see Maclay, *History of the Navy*, vol. i., p. 413 *et seq.* A facsimile of the medal will be found in Lossing, *War of 1812*, p. 463. Lossing gives the date of arrival at Boston as February 15.

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\* Maclay, *History of the Navy*, vol. i., pp. 404-405; Roosevelt, *Naval War of 1812*, pp. 120-123.

† Cooper, *Naval History*, vol. ii., p. 69.

‡ Roosevelt, *Naval War of 1812*, p. 123.

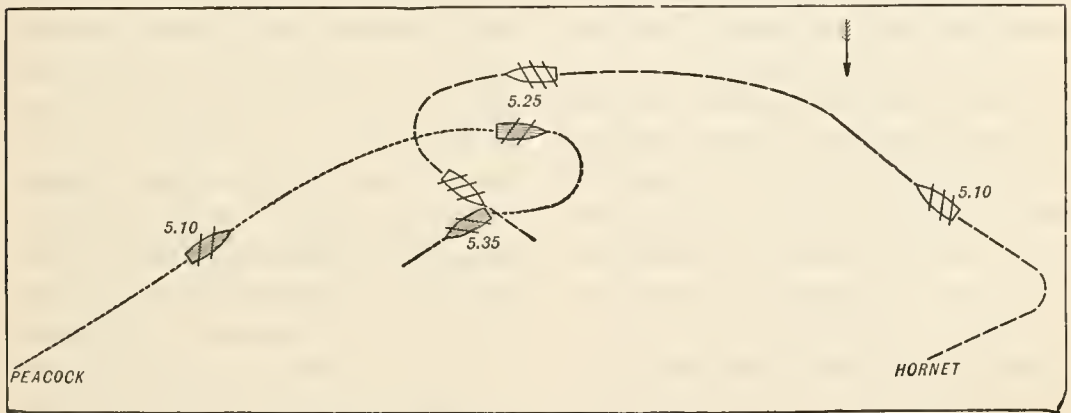
|| Maclay, pp. 406-407.

§ Cooper (p. 70) says that, according to British accounts, the loss on the *Java* was 22 killed and 102 wounded; while Bainbridge states the loss at 60 killed and 101 wounded. See also Maclay, p. 408; Roosevelt, p. 126 *et seq.* Lossing (*War*



the *Montague*, 74, then at Rio Janiero, begging him to come and drive the *Hornet* away. The *Montague* came so suddenly that the *Hornet* was compelled to run into the harbor to escape capture. The same night, however, she slipped out and during the next month cruised northward along the coast of Brazil, making a few prizes, one of which contained \$23,000 in specie.\* On February 24 at about 3.30 in the afternoon, and when off the

ing 18 24-pound carronades, 2 long 6's and one or two lighter pieces.\* At 5.10, by keeping close to the wind, Lawrence succeeded in weathering the *Peacock*, and then hoisted American colors, tacked, and stood for the brig.† At 5.25 the ships passed each other on opposite tacks and exchanged broadsides within half pistol-shot.‡ It was the same old story. The gunnery of the *Peacock* even at point blank range of 40 or 50 feet did no



ACTION BETWEEN THE PEACOCK AND HORNET.

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mouth of the Demerara River, Lawrence discovered an English brig of war lying at anchor outside the bar. On beating around the Carabana bank to come near her, he discovered another sail at his weather quarter edging down for him. The ship at anchor proved to be the *Espiègle*, Captain John Taylor, carrying 18 32-pound carronades; the other was the *Peacock*, Captain William Peake, carry-

ing 18 24-pound carronades, 2 long 6's and one or two lighter pieces.\* At 5.10, by keeping close to the wind, Lawrence succeeded in weathering the *Peacock*, and then hoisted American colors, tacked, and stood for the brig.† At 5.25 the ships passed each other on opposite tacks and exchanged broadsides within half pistol-shot.‡ It was the same old story. The gunnery of the *Peacock* even at point blank range of 40 or 50 feet did no

\* Maclay, however, (*History of the Navy*, vol. i., pp. 422-424) compares the *Hornet* and *Peacock* as follows: *Hornet* — 18 short 32-pounders and 2 long 12-pounders, throwing 279 pounds of metal; *Peacock* — 16 short 24-pounders, 2 long 9-pounders, 1 short 12-pounder and 1 long 6-pounder, throwing 210 pounds. Roosevelt (p. 171) gives each ship 10 guns, though he states the weight of metal the same. Lossing (*War of 1812*, p. 699) gives the same armament as Maclay.

† Roosevelt, *Naval War of 1812*, p. 166.

‡ Lawrence's report in Brannan, *Official Letters*, p. 142; Maclay, vol. i., p. 421.

\* Roosevelt, *Naval War of 1812*, pp. 155-156; Cooper, *Naval History*, vol. ii., p. 72; Maclay, *History of the Navy*, vol. i., pp. 419-420.

Observing the enemy in the act of wearing, so as to get a raking broadside at the *Hornet*, Lawrence bore up, fired a starboard broadside and compelled the enemy to right his helm.\* From this position he kept up a severe and well-directed fire, the effect of which was so terrible that in less than 15 minutes (at 5.39) the British vessel struck.† She was almost cut to pieces and hoisted an ensign union down in the fore-rigging as a signal of distress.‡ Shortly after her mainmast went by the board. Every effort was made by the crews of both vessels to save the disabled ship, but she suddenly went down, carrying with her nine of her own crew and three of the *Hornet's*.|| The captain and four men of the *Peacock* were killed and 33 officers and men were wounded, while only one man was killed and two were wounded on the *Hornet*.§ Not a shot fired by the *Pea-*

*cock* had struck the hull of the *Hornet*.\* The *Hornet* was now so crowded with her own crew and her prisoners and was so short of water that Lawrence decided to return home. Passing through the West Indies, he reached Martha's Vineyard in safety and came by way of Long Island Sound to New York, where he arrived March 19.†

In April of 1813, four American frigates lay in Boston harbor fitting for sea. Late in December of 1812, the *President* and *Congress* had returned to that port, followed in February by the *Constitution* and early in April by the *Chesapeake*. In order to tempt the American frigates to come out boldly, only two British frigates, the *Shannon* and the *Tenedos*, 38's, remained off the harbor; the former in command of Captain Philip B. V. Broke. Blockading was too tame an occupation for Broke and more than once he endeavored to persuade one of the American frigates to come out and fight,‡ but either Rodgers did not understand the challenge, or had a different conception of his duties, for, declining the challenge, he, with the *President* and *Congress*, went out to sea on the night of April 30,|| leaving Broke greatly chagrined and

\* Lossing, *War of 1812*, p. 698.

† Roosevelt, *Naval War of 1812*, p. 167; Maclay, *History of the Navy*, vol. i., p. 421.

‡ Cooper, *Naval History*, vol. ii., pp. 72-73.

|| Lawrence's account in Fay, *Official Accounts*, pp. 77-80; and in Brannan, *Official Letters*, p. 143; Adams, *United States*, vol. vii., p. 290; Lossing, *War of 1812*, p. 699; Roosevelt, *Naval War of 1812*, pp. 167-168.

§ Barnes, *Naval Actions of the War of 1812*, pp. 103-109; Dawson, *Battles of the United States*, vol. ii., p. 206; James, *Naval History*, vol. vi., p. 47, and *Naval Actions*, pp. 28-31; *New England Historical and Genealogical Register* (October, 1874), p. 392; Maclay, *History of the Navy*, vol. i., p. 423; F. S. Hill, *Twenty-Six Historic Ships*, pp. 56-64, and *Romance of the Navy*, pp. 148-151; Clark, *Short History of the Navy*, pp. 149-150; Spears, *History of Our Navy*, vol. ii., pp. 178-192; Bowen, *Naval Monument*, pp. 38-43; Mahan, *War of 1812*, vol. ii., pp. 7-8.

\* The *Espiegle* took no part in the action and did not even know of it until the next day.

† Cooper, *Naval History*, vol. ii., p. 74. Lossing (*War of 1812*, p. 699) gives the date of arrival at Martha's Vineyard as March 19 and at New York as the 25th.

‡ Maclay, *History of the Navy*, vol. i., p. 443.

|| Paullin, *Life of Rodgers*, pp. 264-265.

somewhat indignant with him for escaping.\* Accordingly he sent several messages to Captain Lawrence, then in command of the *Chesapeake*, inviting a fight.† On Sunday, May 30, the *Chesapeake* was ready, though the crew was neither as good nor as well disciplined as it might have been and showed much discontent because of a misunderstanding respecting prize money.‡

On the other hand the *Shannon* was manned by a well-disciplined and well-practiced crew.§ Save in discipline and number of men, the two frigates were well matched.¶ They were almost of the same length and breadth, 150 by 40 feet. The *Chesapeake* carried 18 32-pound carronades on the spar deck, whereas the *Shannon* carried but 16, and on the gun deck each vessel carried 28 long 18-pounders. Besides these, the *Chesapeake* carried 2 long 12-pounders, a long 18-pounder, and a 12-pound carronade. The *Shannon* likewise carried several extra guns—4 long 9-pounders, 1 long 6-pounder, and 3 short 12-pound carronades.¶ The

*Chesapeake* carried a crew of 379, while the *Shannon* carried but 330.\*

Broke was very anxious to meet the *Chesapeake* and, hearing that she was ready for sea, ran into the harbor and raised his flag. Lawrence immediately fired a gun and displayed his colors, mustered his crew, and told them that he meant to fight.† After passing the lighthouse at 1 o'clock, the *Chesapeake* followed the *Shannon* for four hours, when the latter luffed and waited for the *Chesapeake* to come up. As the wind was fresh from the west, Lawrence, had the choice of position, but threw away this advantage, brought the *Chesapeake* down on the *Shannon's* quarter, luffed at 5.30, and ranged up about 50 yards from the *Shannon's* starboard side.‡ At 5.50 the *Shannon* fired as her guns began to bear, commencing with her cabin guns and firing in succession from aft forward.¶ The *Chesapeake* replied and the two ships went on for about seven minutes side by side; but some of the *Shannon's* shot had carried away the fore top sail tie and jib sheet of the *Chesapeake*. Her spanker-brails also were loosened and the sail blew out, and as she would not obey her helm, she was

\* Adams, *United States*, vol. vii., pp. 285-286; McMaster, vol. iv., p. 91.

† Maclay, *History of the Navy*, vol. i., p. 443. Facsimiles of these are given in Lossing, *War of 1812*, pp. 701-703.

‡ Adams, *United States*, vol. vii., pp. 291-293; McMaster, vol. iv., pp. 91-92; Cooper, *Naval History*, vol. ii., p. 102, note; Maclay, vol. i., pp. 449-450.

¶ Roosevelt, *Naval War of 1812*, pp. 179-180; Maclay, vol. i., pp. 439-442.

§ Mahan, *War of 1812*, vol. ii., p. 134.

¶ Roosevelt, p. 181. Maclay (vol. i., pp. 459-460) says the *Chesapeake* carried 28 long 18-

pounders on the main deck, 16 short 32-pounders on the quarter-deck and 4 short 32-pounders and 1 long 18-pounder on the fore-castle, throwing 540 pounds of metal, while the *Shannon* threw 547 pounds.

\* Adams, *United States*, vol. vii., pp. 292-293.

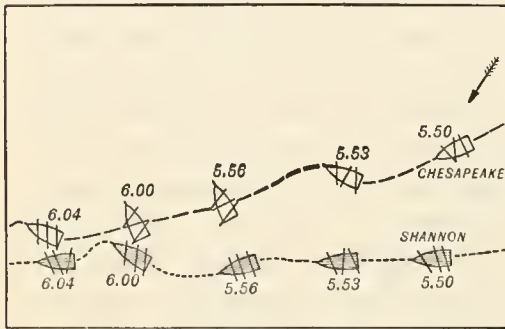
† Lossing, *War of 1812*, p. 704.

‡ Roosevelt, *Naval War of 1812*, p. 182.

¶ Cooper, *Naval History*, vol. ii., p. 103; Maclay, *History of the Navy*, vol. i., p. 452.



forced to come up into the wind and was taken aback with her larboard quarter toward the *Shannon's* side.\* Thus at the very moment when she was about to blanket the *Shannon*, take the wind out of her sails, lay across her bow, rake her, and probably secure a victory, the *Chesapeake* began helplessly to drift toward her enemy. When the sails of the *Shannon* filled, the *Chesapeake* somehow



ACTION BETWEEN THE CHESAPEAKE AND SHANNON.  
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got her mizzen rigging foul of the *Shannon's* fore-chains, and thus entangled, lay exposed to the raking fire of the *Shannon*.† Every gun on the *Shannon's* broadside swept the *Chesapeake* from stem to stern, whereas none of the *Chesapeake's* guns bore on the *Shannon*. Not only did the British rake the *Chesapeake* fore and aft with their quarter guns and beat in her stern ports, but a tremendous fire was maintained from their forward guns diagonally across the decks of the American frigate.‡

Man after man was shot down at the wheel and every officer, sailor, or marine in the after part of the ship was picked off by the men in the *Shannon's* tops.\* When the *Chesapeake*, drifting helplessly, struck the *Shannon* amidships, a boatswain rushed forward to lash the ships and Broke, calling up his boarders, leaped over the bulwark to the quarter-deck of the *Chesapeake*.† Just at this moment Lawrence was struck and mortally wounded by a musket ball from the *Shannon* and was carried below uttering the immortal cry, "Don't give up the ship."‡ The first lieutenant, Augustus C. Ludlow, had already been carried below wounded; the second lieutenant, George Budd, was stationed below; the third lieutenant, William Cox, left his station to assist Lawrence to reach the gun deck;|| not an officer remained on the spar-deck when the *Chesapeake's* quarter came against the *Shannon's* gangway, as though inviting the British to take possession.§ Obedient to Lawrence's orders, a few men on the quarter-deck made a desperate attempt to repel Broke and his party of 50 boarders,

\* Roosevelt, *Naval War of 1812*, pp. 183-184.

† Lossing, *War of 1812*, pp. 706-707.

‡ It has been charged that these words were invented (Gillet, *Democracy*, p. 61). Cooper says they were changed by poetic license. See, however, the note in Maclay, *History of the Navy*, vol. i., p. 456, who had it direct from one of the survivors.

|| Roosevelt says that, utterly demoralized by the aspect of affairs, Cox basely ran below without staying to rally the men, and was afterward court-martialled for so doing.

§ Cooper, *Naval History*, vol. ii., pp. 103-104.

\* Maclay, *History of the Navy*, vol. i., p. 454.

† Lossing, *War of 1812*, p. 705.

‡ Maclay, vol. i., p. 454.





DEATH OF CAPTAIN LAWRENCE.

"Don't give up the ship."



but after a short scuffle the ship was surrendered.\*

The *Shannon* lost 24 killed and 59 wounded while the *Chesapeake* lost 48 killed and 98 wounded.† After the surrender, the *Chesapeake* was taken to Halifax as a prize, and there Lawrence and Ludlow, having died of their wounds on the way, were buried with military honors on June 6. Their bodies were not destined to rest in foreign soil long, however, for a party of Americans, under a flag of truce, brought back the bodies a few

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\* Roosevelt says that most naval men consider it a sort of treason to acknowledge that the defeat was due to anything but extraordinary ill fortune. Yet, he says, no disinterested reader could help but acknowledge that the true reason of the defeat was the simple fact that the *Shannon* fought better than the *Chesapeake*. The disgrace was not in the loss of the ship, but in the fact that the crew surrendered to a party of only 50 men.

† Maclay, *History of the Navy*, vol. i., p. 460; Adams, *United States*, vol. vii., pp. 297-301. See the list of killed, wounded, and prisoners, in *American State Papers, Naval Affairs*, vol. ii., p. 629, and in *House Ex. Doc. 110*, 19th Congress, 1st session (February 24, 1826). The fullest account of the battle was prepared by Admiral George H. Preble for the *United Service*, ser. iii., vol. vii., pp. 445-476 (1905). See also the *Memoir of Broke*; J. G. Eaton, *The Chesapeake and Shannon*, in *Publications of the Military Historical Society of Massachusetts*, vol. ii., no. vi. (1901); James, *Naval History*, vol. vi., p. 51; Douglas, *Naval Gunnery*, p. 552, 78-80; James, *Naval Actions*, pp. 61-74; Barnes, *Naval Actions of the War of 1812*, pp. 113-126; Budd's report in Fay, *Official Accounts*, pp. 110-111, and in Brannan, *Official Letters*, pp. 167-168; Albert Gleaves, *James Lawrence, Captain, United States Navy* (1904); Hill, *Romance of the American Navy*, pp. 159-169; Clark, *Short History of the Navy*, pp. 133-143; Spears, *History of the Navy*, vol. ii., pp. 193-230; Bowen, *Naval Monument*, pp. 44-68; Mahan, *War of 1812*, vol. ii., p. 135 *et seq.*

weeks later to Salem, whence they were carried by land to New York and laid, with all the honors of war, in Trinity church-yard.\*

While the Americans were still mourning the loss of Lawrence, the British gained another victory, due chiefly to the same over-confidence which had been Lawrence's undoing. The sloop of war *Argus*, 16, Captain William H. Allen, had sailed for the English Channel, cruised there for a while, then passed around Land's End, and took a position in the Irish Channel off the Welsh coast. Allen was very successful in his depredations on British commerce, in a single month capturing and destroying more than 20 ships, valued at \$2,000,000 and creating a panic among the ship-owners and underwriters of London.† On board of one of these ships, according to British journals, was a cargo of Irish linen worth £100,000. The admiralty soon came to the aid of the British merchantmen and sent the sloop of war *Pelican*, Captain John F. Maples, and the frigate *Leonidas* in pursuit of the *Argus*. The impunity with which Allen defied danger seemed to make him reckless. On August 13 Allen captured a brig from Oporto laden with wine, and

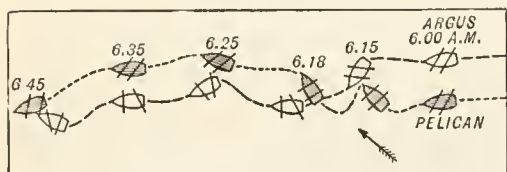
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\* Lossing (*War of 1812*, p. 711 *et seq.*) describes the ceremonies. See also Lamb, *City of New York*, vol. ii., p. 628; *An Account of the Funeral Honors Bestowed on the Remains of Capt. Lawrence and Lieut. Ludlow, with the Eulogy by Joseph Story, with documents* (Boston, 1813).

† Cooper, *Naval History*, vol. ii., p. 113; Maclay, *History of the Navy*, vol. i., pp. 523-524.



within sight of the Welsh coast burned the prize after part of his crew had become drunk.\* The glare of the burning prize guided the *Pelican*, and at 6 o'clock on the morning of August 14 she overtook the American brig. According to measurements, the *Argus* was 95½ feet long and about 28 feet broad, while the *Pelican* was 100 feet in length and 31 feet broad. The armament of the *Argus* consisted of 18 24-pound carronades and 2 long 12-pounders, throwing 212 pounds of metal, while



ACTION BETWEEN THE ARGUS AND PELICAN.

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the *Pelican* carried 16 32-pound carronades, 4 long 16 pounders and a 12-pound carronade.† There is a dispute as to the number of the American crew, but according to British authority it contained 127 men, while the *Pelican* carried 116.‡

The battle began immediately. The *Argus* wore and fired her broadside within grape and cannister range, which was returned with can-

non and musketry. During the first 15 minutes the *Argus*, having the advantage of position, raked the *Pelican* at short range, but her guns were so poorly served and so badly aimed that no great injury was inflicted on the *Pelican's* hull or rigging, and but few of the crew were killed. On the other hand, the gunnery of the *Pelican* was excellent. At the end of 25 minutes the *Pelican* had shot away the main-braces, main-spring-stay, gaff, and top-sail mast of the *Argus*. The *Pelican* then attempted to get under the stern of the *Argus* so as to give her a raking broadside, but young William Howard Allen, then in command, prevented this and instead gave the *Pelican* a most damaging broadside.\* But, as the braces of the *Argus* had been shot away, she could not be kept in position; and, taking advantage of this, Captain Maples took a new position on the starboard quarter of the *Argus*, and for nearly 20 minutes raked her at close range with his carronades without receiving a single shot in return.† At 6.25 the wheel ropes and nearly all the running rigging of the *Argus* were gone and she became unmanageable.‡ According to the report of Captain Maples, the action was maintained on both sides for 43 minutes when the *Pelican* lay alongside the *Argus* and her boarders were prepared to go over the bow. Then the *Argus* struck

\* Lossing, *War of 1812*, p. 725; Cooper, *Naval History*, vol. ii., p. 113.

† Maclay (*History of the Navy*, vol. i., pp. 525-526) gives the armament of the *Pelican* differently, crediting her with 16 short 32-pounders, 2 long 6-pounders, 1 short 12-pounder and 2 short 6-pounders, throwing 274 pounds of metal.

‡ Adams, *United States*, vol. vii., p. 305; Cooper, *Naval History*, vol. ii., p. 114.

\* Lossing, *War of 1812*, p. 715.

† Maclay, vol. i., pp. 524-525.

‡ Lossing, *War of 1812*, p. 716.



her colors.\* During the action the *Argus* lost 6 killed and 17 wounded, while the *Pelican* lost only 7 killed and wounded, chiefly by musketry.† That so able a captain as Allen should have been beaten at gunnery seems almost inexplicable, for to him was due the high degree of excellence reached by the crew of the *United States*.‡ Allen was never able to explain his defeat, for five minutes after the action began he was struck by a shot from the *Pelican* which carried off his left leg, mortally wounding him; and, greatly weakened by the loss of blood, he was taken to the Mill Spring Prison Hospital at Plymouth, where he soon died.|| He was buried with all the honors of war, but was not forgotten by his countrymen; in New York City Allen Street now stands a monument to his brave deeds.§

Almost at the same time another disaster occurred when Lieutenant William Burrows, of the *Enterprise*, 16, was killed in an action with the

British brig *Boxer*, 14, Captain Samuel Blythe. An illicit trade along the coast of Maine had been so actively pursued with the British provinces that the *Enterprise* was sent there to hold the smugglers, privateers, and petty marauders in 'check. The *Enterprise* was not a first-rate vessel when she took part in the war with Tripoli; she was a schooner carrying 12 guns and 60 men, but was afterward altered into a brig, pierced for 16 guns (14 18-pound carronades, and two long 9's) and given a crew of 102 men.\* On September 5, 1813, having chased a suspicious schooner into Portland, the *Enterprise* was cruising eastward, when Burrows discovered a brig getting under way near Penguin Point.† The stranger hoisted four English ensigns, fired several guns and stood for the *Enterprise*. She was the English brig *Boxer*, carrying 14 guns (12 18-pound carronades and 2 long 6's) and 66 men. She was no match for the American vessel and the British captain might have declined battle without disgrace. The *Enterprise* was 97 feet long and 24 feet wide, whereas the *Boxer* was 84 feet long and about 22 feet wide. The American vessel carried 14 short 18-pound carronades and 2 long 9's, throwing 125 pounds of metal, whereas the

\* Cooper, *Naval History*, vol. ii., p. 114; Roosevelt, *Naval War of 1812*, pp. 205-206.

† Adams, *United States*, vol. vii., p. 307; MacLay, *History of the Navy*, vol. i., p. 526.

‡ Roosevelt, *Naval War of 1812*, p. 209.

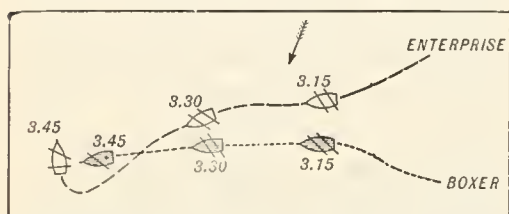
|| Cooper, *Naval History*, vol. ii., p. 115; Lossing, *War of 1812*, p. 716.

§ Adams, *United States*, vol. vii., pp. 305-308; Mahan, *War of 1812*, vol. ii., p. 217 *et seq.*; McMaster, vol. iv., pp. 97-98; Dawson, *Battles of the United States*, vol. ii., p. 266; James, *Naval History*, vol. vi., p. 81, and *Naval Actions*, pp. 74-78; MacLay, vol. i., pp. 528-529; Clark, *Short History of the Navy*, pp. 151-152; Bowen, *Naval Monument*, pp. 69-77; Spears, *History of Our Navy*, vol. ii., pp. 356-371; Frost, *Book of the Navy*, p. 188 *et seq.*

\* Roosevelt, *Naval War of 1812*, p. 213.

† McMaster and Roosevelt say Penguin Point; Lossing says Pemaquid Point, as does McCall in his report of the action, *American State Papers*, *Naval Affairs*, vol. i., p. 297.

*Boxer* carried but 12 short 18-pound carronades and 2 long 6's, throwing 114 pounds of metal. Nevertheless Captain Blythe ordered the colors nailed to the mast, saying to the crew that they should never be struck while he had life in his body.\* At 3.20 in the afternoon the two vessels exchanged broadsides within half pistol-range of each other.† The effect on both vessels was appalling.



ACTION BETWEEN THE *ENTERPRISE* AND *BOXER*.  
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Captain Blythe was struck full in the body by an 18-pound shot, being almost cut in two, and dying instantly. Burrows was mortally wounded and lay on the deck crying out that the colors should not be struck.‡ There was little danger of such a disaster since the *Enterprise* ranged ahead across the bow of the *Boxer*, rounded to on the starboard tack and raked her from stem to stern with broadsides until 3.45, when the *Boxer* surrendered. The *Boxer* lost 7 men killed and 13 wounded, while the *Enterprise* lost 1 killed and 13 wounded.¶ Though

the *Boxer* was badly injured, she was brought as a prize to Portland. There the two commanders, wrapped in the flags they had so well defended, were buried in the Eastern Cemetery, overlooking the scene of their last battle.\*

In the minds of many the loss of the *Chesapeake* and *Argus* marked the end of the American victories. After the loss of the *Chesapeake*, no American frigate had the opportunity to fight with an equal enemy, for the British frigates were ordered to cruise in company. For defensive purposes neither the frigate nor the brig were of much account in a contest with a nation which employed ships of the line by the dozens, but even for offensive work the frigate was not so useful as the sloop-of-

120-121. Maclay gives the American loss as 2 killed and 10 wounded and the British loss as 4 killed and 17 wounded. Of the Americans, however, two of the wounded were mortally hurt and of the British four were mortally wounded.—Roosevelt, *Naval War of 1812*, pp. 215-216.

\* Adams, *United States*, vol. vii., pp. 281-283; Mahan, *War of 1812*, vol. ii., p. 188 *et seq.*; Cooper, *Naval History*, vol. ii., pp. 108-111; McMaster, vol. iv., pp. 96-97; Dawson, *Battles of the United States*, vol. ii., p. 272; *American State Papers*, *Naval Affairs*, vol. i., p. 294; Barnes, *Naval Actions of the War of 1812*, pp. 129-135; Gould, *History of Portland, Maine*, p. 482 *et seq.*; James, *Naval Actions*, pp. 33-35, and *Naval History*, vol. vi., p. 75; F. S. Hill, *The Lucky Little Enterprise and Her Successors*, pp. 18-21, *Twenty-Six Historic Ships*, pp. 117-123, and *Romance of the American Navy*, pp. 51-56; Clark, *Short History of the Navy*, pp. 152-153; Bowen, *Naval Monument*, pp. 77-84; Spears, *History of Our Navy*, vol. ii., pp. 372-387; Frost, *Book of the Navy*, pp. 191-193. A facsimile of the Burrows medal is in Lossing, *War of 1812*, p. 719.

\* Roosevelt, *Naval War of 1812*, p. 214.

† Lossing, *War of 1812*, p. 717.

‡ Maclay, *History of the Navy*, vol. i., p. 536.

¶ McCall's report, *American State Papers*, *Naval Affairs*, vol. i., p. 298; Fay, *Official Accounts*, pp.

war. The frigates cost from \$200,000 to \$300,000, whereas the sloop-of-war cost between \$40,000 and \$50,000. The work of the frigates during 1813 showed no results proportionate to their cost.

The *President* left Boston late in April, crossed to the Azores, haunted the shores of Norway, Scotland, and Ireland and returned to Newport with 12 prizes on September 27.\* The *Congress* was not so fortunate. After a cruise of eight months in the Atlantic, she returned to Boston toward the middle of December with only four captures. The *Chesapeake* had sailed from Boston on December 13, 1812, cruised for four months in the track of British commerce past Madeira and Cape Verde around the West Indies, and returned to Boston on April 9 with several prizes, shortly after this to be captured herself.† The *Essex* had gone to the Pacific and her adventures will be related later. Of the gallant little navy which a year before had been astounding the world with its victories, scarcely a vestige now remained at sea.

At the close of 1813 the *President* and the *Essex* were the only frigates at sea, the *Constitution* was undergoing repairs and did not sail from Boston until early in January of 1814, the *United States* and the *Macedonian*

were blockaded at New London, the *Constellation* was shut up in Chesapeake Bay, the *Adams* was at Washington, and the *Congress* had just returned to Boston from a cruise. As the annual expense of a frigate in active service was about \$134,000, as against \$60,000 for a brig, the frigates proved luxuries when their record was compared with that of the sloops-of-war. In 1812 the American navy possessed four sloops-of-war—the *Hornet*, the *Wasp*, the *Argus*, and the *Siren*. As we have seen, the *Wasp* had been lost in October of 1812. After capturing the *Frolic* and making three prizes (including the sloop-of-war *Peacock*), the *Hornet* had been blockaded with the *United States* and the *Macedonian*; the *Argus* cruised for a month in the English Channel and had made 21 prizes, before she was captured by the *Pelican*. During the year the three frigates the *President*, the *Congress*, and the *Chesapeake* captured 23 prizes and had lost the *Chesapeake*, while the two sloops *Hornet* and *Argus* had captured 24 prizes including the *Peacock* and had lost the *Argus*. At the beginning of the war the Government owned four small vessels: the *Nautilus* and *Vixen* of 14 guns and the *Enterprise* and *Viper* of 12. Another brig, the *Rattlesnake*, of 16 guns, was purchased. On July 16, 1812, within a month after war was declared, the *Nautilus* fell into the hands of Broke's squadron, the *Vixen* was captured in November of

\* Roosevelt, *Naval War of 1812*, pp. 174-177; Lossing, *War of 1812*, pp. 734-736.

† Cooper, *Naval History*, vol. ii., p. 101; Roosevelt, *Naval War of 1812*, p. 163.



the same year by the *Southampton*, 32, Sir James Yeo,\* the *Viper* was captured on January 17, 1813, by the *Narcissus*, 32,† the *Enterprise* had distinguished herself by capturing the *Boxer*, and the *Rattlesnake* was captured on July 11, 1814, by the *Leander*.‡

But the people did not despond and the Government displayed praiseworthy energy in building new vessels to fill the gaps. By an act approved January 2, 1813, Congress voted that six 44's and four ships of the line should be built and on March 3 another act was passed providing six new sloops-of-war. These new sloops were large and strong enough to fight anything smaller than the British frigates; they were shiprigged, armed with 20 32-pound carronades and 2 long 18-pounders, throwing broadsides of 338 pounds of metal and carrying crews of about 360 men. They were built to fight and run and did not disappoint the expectation that they would break the blockade with ease. Under the command of daring officers and manned by skillful sailors, these vessels became the most dreaded of commerce destroyers.

The first vessel to go out in 1814 was the *Constitution*, which sailed

from Boston on January 1 under command of Captain Charles Stewart. She crossed southward, destroyed a British 14-gun schooner, and made a few prizes, but accomplished nothing commensurate with her cost. She returned to Boston on April 3, after narrowly escaping capture by two British frigates (the *Junon* and *Tenedos*) blockading the port, and did not go to sea again before December 17.\* The *President* ran out in December of 1813 and, after a long and fruitless cruise, regained New York on February 18, 1814, where she was blockaded during the rest of the year.† The corvette *Adams*, 28, ran the blockade of Chesapeake Bay on January 18 and made for the track of the British merchantmen.‡ She cruised along the southern coast in search of Indiamen and the Jamaica convoy, but, meeting with little success, crossed the Atlantic, cruised along the African coast, and on August 17, after many narrow escapes returned home.¶ When off the coast of Maine, she struck a reef on the Isle of Haute and was brought into the Penobscot in a sinking condition.§ Captain Charles Morris,

\* Roosevelt, *Naval War of 1812*, pp. 287-290; Maclay, *History of the Navy*, vol. ii., pp. 5-6.

† Roosevelt, *Naval War of 1812*, pp. 217, 286-287.

‡ *Autobiography of Charles Morris*, pp. 172-173; Maclay, *History of the Navy*, vol. ii., pp. 1-2.

¶ Cooper, *Naval History*, vol. ii., pp. 124-125; Roosevelt, *Naval War of 1812*, pp. 334-336.

§ *Autobiography of Charles Morris*, pp. 175-177.

\* Cooper, *Naval History*, vol. ii., p. 107; Roosevelt, *Naval War of 1812*, p. 134.

† Roosevelt, p. 172.

‡ Adams, *United States*, vol. vii., pp. 309-313; Roosevelt, *Naval War of 1812*, p. 321; Maclay, *History of the Navy*, vol. i., pp. 428-429; vol. ii., pp. 6-7; Bowen, *Naval Monument*, p. 246.

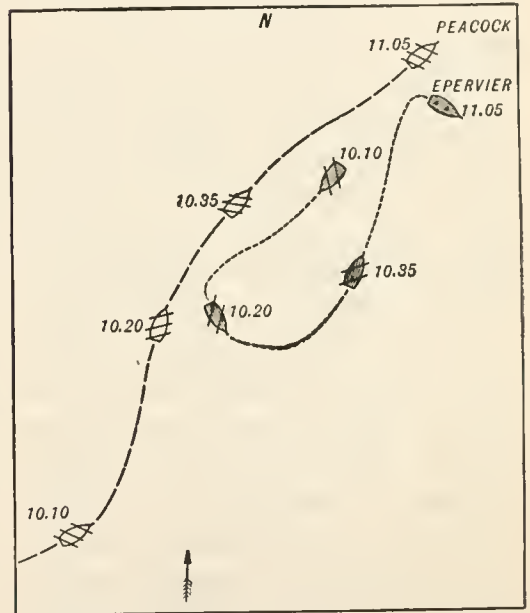


who commanded her, took the ship about 25 miles up the Penobscot River, as far as Hampton, and removed her guns in order to repair her. About the same time the British, under Sir J. C. Sherbrooke, occupied Castine and a detachment of 700 land troops and 800 troops in barges and launches was sent up the river to destroy the ship. Morris hastily put guns in the battery and prepared to defend the ship with his crew, numbering about 200 men, relying on the militia to cover his flanks. On September 3, 1814, the British attacked and routed the militia and compelled Morris to set fire to the *Adams*, abandon his guns, and disperse his men.\*

The third cruiser to run the blockade was the new sloop-of-war *Frolic*, 18, which, in command of Master-Commandant Joseph Bainbridge, ran the blockade at Boston in February of 1814. She captured only two prizes before she herself was taken (April 20) off Matanzas, after a long chase by the 36-gun frigate *Orpheus*, assisted by the 12-gun schooner *Shelburne*.†

The second sloop-of-war, the *Peacock*, Master-Commandant Lewis

Warrington, finding the blockade growing lax, sailed from New York on March 12, 1814, and, proceeding southwardly, cruised off Florida. On the morning of April 29, when off the Indian River inlet, in lat. 17° 47' N., long. 80° 7' W., she made out a three-sail vessel under convoy of a brig-of-war on its way from Havana to Bermuda. The war-ship proved



ACTION BETWEEN THE PEACOCK AND ÉPERVIER.  
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to be the British 18-gun brig *Épervier* (Captain R. W. Wales), with \$120,000 in specie aboard.\* She was

\* Maclay, *History of the Navy*, vol. ii., pp. 3-4; Lossing, *War of 1812*, pp. 978-979, 898-900; *Autobiography of Charles Morris*, pp. 177-179; Adams, *United States*, vol. viii., pp. 95-96, 175; McMaster, vol. iv., p. 100.

† Cooper, *Naval History*, vol. ii., p. 124; Maclay, *History of the Navy*, vol. ii., p. 7; Roosevelt, *Naval War of 1812*, p. 311; Adams, *United States*, vol. viii., p. 181; McMaster, vol. iv., p. 100.

\* Maclay (*History of the Navy*, vol. ii., pp. 13-14) compares the armaments as follows: *Peacock* — 20 short 32-pounders and 2 long 12-pounders, throwing 309 pounds of metal; *Épervier* — 16 short 32-pounders and 2 short 18-pounders, throwing 274 pounds. Roosevelt (*Naval War of 1812*, p. 314) gives the weight of the broadsides as 315 for the *Peacock* and 274 for the *Épervier*.

in no sense a match for the American ship, but Captain Wales gallantly brought her into action and at 10.20 the two ships were at close range. The fire of the *Épervier* was light and reckless, whereas the guns of the *Peacock* were well aimed and steadily fired. As a result, after an action of about three quarters of an hour, the British ship was hulled 45 times, her mast and rigging were badly cut up, her main boom had been shot away, five of her larboard guns had been disabled by the breeching bolts giving way and three others by shot, and her deck had been turned into a shambles, 23 of her crew of 128 having been killed or wounded. On the other hand, the *Peacock's* hull had not been touched, though her foreyard had been disabled and a few upper stays cut away; and only two of her men had been slightly wounded.\* Though she was chased by two frigates, Captain Warrington saved the ship and brought her into Savannah.† Early in June the *Peacock* sailed again and, after a longer cruise to the Faroe and Canary Islands, returned to New York on October 30, having burned or sunk 12 prizes valued at \$493,000 and making cartels of two more.‡

\* Report of Captain Warrington, *American State Papers, Naval Affairs*, vol. i., pp. 313-314; also in Fay, *Official Accounts*, pp. 185-187.

† Lossing, *War of 1812*, p. 981.

‡ Adams, *United States*, vol. viii., pp. 181-184; Cooper, *Naval History*, vol. ii., pp. 130-132; McMaster, vol. iv., pp. 100-101; Dawson, *Battles*

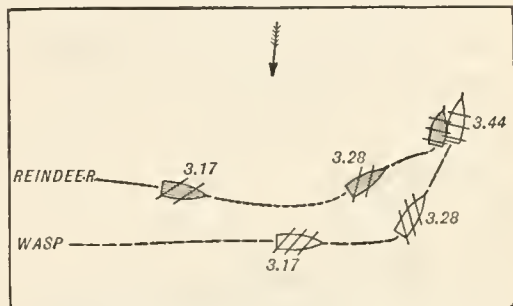
The third of the new sloops to get away was the *Wasp*, which sailed from Portsmouth, New Hampshire, May 1, under command of Johnston Blakeley. She ran across the Atlantic, appeared off the English Channel, and reenacted the part played there by the *Argus*, burning or sinking every British merchantman she met and searching every vessel that passed.\* The number of neutrals sailing in these waters kept the *Wasp* busy, taking her farther into the channel than she intended. Although three British frigates and fourteen sloops were at sea to protect the British merchantmen, the *Wasp* continued to burn and sink British vessels until finally, on the morning of June 28, a man of war brig, the *Reindeer*, Captain William Manners, appeared to windward and bore down on the American ship. The *Reindeer* was no match for the American boat, either in armament or gunnery. In tonnage she resembled the *Epervier*, but instead of the usual 32-pounders, she had 24-pound carronades and her broadside of 10 guns threw only 210 pounds of metal, whereas the 11 guns

of the *United States*, vol. ii., p. 345; Barnes, *Naval Actions of the War of 1812*, pp. 191-196; James, *Naval History*, vol. vi., p. 161, and *Naval Actions*, pp. 39-42; Maclay, *History of the Navy*, vol. ii., pp. 15-16; Roosevelt, *Naval War of 1812*, pp. 311-316; Clark, *Short History of the Navy*, pp. 153-154; Bowen, *Naval Monument*, pp. 128-134; Spears, *History of Our Navy*, vol. iii., pp. 66-79; Frost, *Book of the Navy*, p. 221 *et seq.*; Mahan, *War of 1812*, vol. ii., p. 253 *et seq.*

\* Cooper, *Naval History*, vol. ii., p. 125; Lossing, *War of 1812*, p. 979.

of the *Wasp* threw 338 pounds.\* Again the American crew numbered 173 against 118 of the British vessel. The British ship gained the weather gage, and, going up on the weather quarter, repeatedly fired her light 12-pound bow carronade, filled with round and grape shot, into the American ship.† It was nearly 15 minutes before the *Wasp* could bring any guns to bear, but when she did, the conflict was speedily brought to an issue. The firing from the *Wasp* began at 3.26 and lasted until 3.40 at close range. Realizing that he had no chance with his small guns, Manners brought the bow of his vessel against the port quarter of the *Wasp* and repeatedly attempted to board.‡ Though Manners had been badly wounded early in the action, he continued to fight, but when he climbed into the rigging to lead the boarders he was struck in the head by two balls and his fall ended the battle. At 3.45 the *Reindeer* struck her flag, the whole action from the time the *Wasp* fired her first gun having lasted but 19 minutes. The *Reindeer* was literally cut to pieces by the heavy metal and terrible precision of the *Wasp's* fire, her

upper works being completely wrecked. As soon as the wounded were removed, she was blown up. Out of her crew of 118, 33 were killed and 34 wounded, whereas on the *Wasp* only 11 were killed and 15 wounded (chiefly in repelling the boarders).\* The *Wasp* did not escape unhurt, however, for six round



ACTION BETWEEN THE WASP AND REINDEER.

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shot and much grape were in her hull, her foremast had been shot through, and her rigging and spars were much injured.† Putting some of his prisoners on a passing neutral, Blakeley ran into L'Orient to refit his ship.‡

\* Cooper (*Naval History*, vol. ii., p. 126) gives different statistics. He says the loss on the *Reindeer* was 25 killed and 42 wounded and on the *Wasp* 5 killed and 22 wounded. Maclay (*History of the Navy*, vol. ii., p. 20) agrees with Cooper respecting the *Reindeer*, but gives the loss on the *Wasp* as above. Roosevelt (p. 325) agrees with these figures. See also the report in *American State Papers, Naval Affairs*, vol. i., pp. 317-318.

† *American State Papers, Naval Affairs*, vol. i., p. 315.

‡ Hill, *Twenty-Six Historic Ships*, pp. 90-92, and *Romance of the American Navy*, pp. 140-143; Clark, *Short History of the Navy*, pp. 154-157; James, *Naval Actions*, pp. 42-45, and *Naval History*, vol. vi., pp. 161; Bowen, *Naval Monument*, pp. 134-140; Spears, *History of Our Navy*,

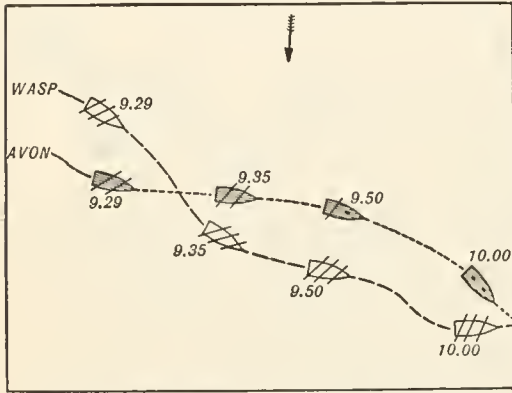
\* Maclay, however (*History of the Navy*, vol. ii., pp. 19-20), gives far different statistics. He says the *Wasp* was armed with 20 short 32-pounders and 2 long 12-pounders, throwing 309 pounds to the broadside, and the *Reindeer* carried 16 short 24-pounders, 2 short 6's and 1 short 12, throwing 204 pounds. Roosevelt (*Naval War of 1812*, p. 325) gives the *Wasp* a broadside of 315 pounds and the *Reindeer* of 210 pounds.

† Maclay, *History of the Navy*, vol. i., pp. 18-19.

‡ Roosevelt, *Naval War of 1812*, pp. 322-324.



On August 27, after refitting, the *Wasp* sailed again and on September 1 fell in with a fleet under convoy of the *Armada*, 74, and a bomb ship. Blakeley stood for them and, despite the frigate, succeeded in cutting out of the squadron a brig laden with brass and iron cannon and other military stores from Gibraltar.\* After taking out the prisoners and setting the prize on fire, he endeav-



ACTION BETWEEN THE WASP AND AVON.

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ored to cut out another from the squadron, but was driven off by the *Armada*.† While cruising along about 6.30 of the same evening, Captain Blakeley desried two vessels on his starboard and two on his larboard

bow. They were three British ships, the *Castillian*, *Avon*, and *Tartarus*, pursuing a private schooner. Blakeley then hauled for that farthest to windward. At 7 o'clock she was discovered to be the *Avon*, Captain John James Arbuthnot, carrying 16 short 32-pound carronades and 2 long 6-pounders, throwing 262 pounds of metal and manned by 117 men and boys.\* At 9.20 the *Avon* was under the *Wasp*'s lee bow, whereupon Blakeley hailed and, receiving no answer, threw a shot across her bows. The enemy answered with a broadside, whereupon the *Wasp* bore up and unsuccessfully endeavored to rake the *Avon*. The action then became general at short pistol-range and continued until 10 o'clock, as the two, under full sail, ran side by side before a strong wind. As the *Avon*'s fire was completely silenced, Blakeley hailed to know if she had struck, but as no answer was received, the *Wasp* continued to fire until 10.12, when Blakeley again hailed and this time received the reply that the *Avon* had struck.† It was high time; five of her starboard guns had been dismounted, 40 of her crew were killed or wounded, seven feet of water were in her hold, the magazine was drowned, her tiller, foreyard, and main boom had been shot away, and the standing and running rigging had been cut to pieces. The captain

vol. iii., pp. 80-91; Frost, *Book of the Navy*, p. 225 et seq.; Mahan, *War of 1812*, vol. ii., pp. 253-255; Barnes, *Naval Actions of the War of 1812*, pp. 199-201; Adams, *United States*, vol. viii., pp. 184-188; McMaster, vol. iv., pp. 101-102; Dawson, *Battles of the United States*, vol. ii., p. 345. A facsimile of Blakeley's medal is in Lossing, *War of 1812*, p. 980.

\* Maclay, *History of the Navy*, vol. ii., pp. 21-22; Cooper, *Naval History*, vol. ii., p. 128.

† Roosevelt, *Naval War of 1812*, p. 328.

\* Maclay, *History of the Navy*, vol. ii., p. 24. Roosevelt gives her 280 pounds to the broadside.

† Roosevelt, *Naval War of 1812*, pp. 329-330.



therefore considered further resistance a needless sacrifice of life and ordered the colors to be struck, the main mast going by the board almost immediately after.\* Though the *Avon* struck, she was not captured; for as Blakeley was about to lower a boat to rescue her crew, the *Castillian*, 18, and *Tartarus*, 20, came up, whereupon the *Wasp*, unable to cope with the two vessels, ran off before the wind. The *Castillian* made chase and had begun to fire on the *Wasp* when signals of distress from the *Avon* recalled her, she arriving just in time to remove the wounded from the *Avon* before she sank.† Meanwhile the *Wasp* was retreating as fast as possible. In the action she had lost two men killed and one wounded; four round shot had struck her hull, and the rigging and sails had suffered considerably; the broadside from the *Castillian* cut the *Wasp's* rigging and sails and shot away a lower main cross-tree, but did no other damage.‡

After sinking the *Avon*, Blakeley sailed to Madeira, where, on September 21, he took the British brig *Ata-*

*lanta*, which was sent to Savannah.\* On October 9, when near the Cape Verde Islands, the *Wasp* spoke a British brig and then disappeared forever. Since that time no sign of her has ever been seen by man; no one knows what became of her, but it is likely that somewhere under the Atlantic waters Blakeley's crew found an unknown grave.†

Meanwhile, the *Siren*, the *Enterprise*, and the *Rattlesnake* had gone to sea. After a chase of eleven hours, the *Siren* was captured by the *Medway*, 74, even though the former threw overboard her 16 guns and everything else that could be spared to lighten the ship.‡ The *Rattlesnake* and the *Enterprise* cruised toward the West Indies and made some prizes. Being a fast sailer, the *Rattlesnake* soon left her companion far behind and, after many hair-breadth escapes, was caught on July 11 off Cape Sable by the frigate *Leander* and compelled to surrender. The *Enterprise* shortly afterwards returned to port and became a guard ship.¶ After November 1, therefore, the United

\* Cooper, *Naval History*, vol. ii., p. 128; Maclay, pp. 22-23.

† Lossing, *War of 1812*, p. 980.

‡ Bowen, *Naval Monument*, pp. 140-145; Adams, *United States*, vol. viii., pp. 188-192; Dawson, *Battles of the United States*, vol. ii., p. 377; Roosevelt, *Naval War of 1812*, pp. 330-331; Hill, *Twenty-Six Historic Ships*, pp. 92-94, and *Romance of the American Navy*, pp. 143-145; Clark, *Short History of the Navy*, pp. 157-158; James, *Naval Actions*, pp. 45-47; Spears, *History of Our Navy*, vol. iii., pp. 92-100; Mahan, *War of 1812*, vol. ii., pp. 255-257.

\* Cooper, *Naval History*, vol. ii., p. 129; Maclay, *History of the Navy*, vol. ii., pp. 24-25; Roosevelt, *Naval War of 1812*, p. 332.

† Cooper, *Naval History*, vol. ii., pp. 129-130; Spears, *History of Our Navy*, vol. iii., pp. 100-104; Adams, *United States*, vol. viii., pp. 192-193; McMaster, vol. iv., p. 103; Maclay, *History of the Navy*, vol. ii., pp. 25-26; Barnes, *Naval Actions of the War of 1812*, pp. 202-206.

‡ Cooper, *Naval History*, vol. ii., p. 108; Roosevelt, *Naval War of 1812*, p. 327.

¶ Adams, *United States*, vol. viii., p. 193; Lossing, *War of 1812*, p. 720; Cooper, *Naval History*, vol. ii., pp. 111-112.

States government had not a single warship of any kind at sea, for even the *Essex* was then in British hands.

The *Essex* under David Porter had entered the Delaware in September of 1812, and, after a short stay, was ordered to join Commodore Bainbridge in the *Constitution* and the *Hornet*. Accordingly, on October 28, the *Essex* passed the capes of the Delaware and put to sea, never to return. For some time she ran eastward to get in the track of British merchantmen, but failing in this, ran into Porto Praya on November 27. This was one of the ports the *Constitution* was supposed to have made, but as she was not there the *Essex* started for Fernando de Noronha.\* On the afternoon of December 12, when a little south of the equator, the *Essex* fell in with and captured the British frigate *Nocton*, of 10 guns and 31 men, with \$55,000 in specie bound for Falmouth.† The *Nocton* was sent to the nearest American port, but on the way she was recaptured by the *Belvidera*.‡ The *Essex* finally reached Fernando de Noronha, but learning that the *Constitution* and the *Hornet* had gone to sea, Porter turned southward, resolving to take the *Essex* around Cape Horn and try his fortune in defending the American whalers and capturing British

ships in the Pacific.\* He met with no exciting experiences until the Cape was reached, when bad weather set in. So terrific were the gales there that the ship seemed doomed to destruction,† but she escaped the perils of the deep and on March 5 anchored off the island of Mocha.‡ After laying in the necessary supplies of meat, Porter proceeded to Valparaiso, where he arrived March 14 and where he was welcomed as a friend of the new government of Chili.|| At Valparaiso the *Essex* tarried just long enough to lay in supplies, and soon sailed to sea.§ Almost immediately after his departure, Porter learned from an American whaler that two other American whalers (the *Walker* and the *Barclay*) had been captured off Coquimbo. Accordingly he immediately sailed in that direction and about 8 o'clock on the evening of March 26 sighted a ship flying Spanish colors, which soon struck to the *Essex*. She proved to be the Peruvian cruiser *Neroida* (or *Nereyda*), 15, and, as she admitted having captured two American whalers,¶ her guns, spars, and ammunition were thrown overboard before

\* Spears, *Life of Farragut*, pp. 54-55.

† Farragut, *Life of Farragut*, p. 20; Roosevelt, *Naval War of 1812*, p. 134.

‡ Cooper, *Naval History*, vol. ii., pp. 76-77; Lossing, *War of 1812*, p. 722; Maclay, *History of the Navy*, vol. i., pp. 543-545.

\* Maclay, *History of the Navy*, vol. i., p. 547.

† For details of the trip, see Porter's Journal as quoted in Headley, *Life of Farragut*, chap. vii.

‡ Spears, *Life of Farragut*, p. 58; Maclay, pp. 548-549.

|| Porter's report in Fay, *Official Accounts*, p. 195; Headley, *Life of Farragut*, p. 111; Cooper, *Naval History*, vol. ii., pp. 78-79.

§ Farragut, *Life of Farragut*, pp. 21-22.

¶ Spears, *Life of Farragut*, p. 58.

she was released.\* She was then sent to Callao with a letter to the Peruvian viceroy in which Porter denounced the piratical conduct of the cruiser's commander, and demanded that he be punished.†

Porter then sailed up the coast in search of whalers, and, the better to accomplish his object, painted and trimmed his ship so that she looked like a Spanish merchantman.‡ While engaged in this, he chased and captured a vessel which upon being boarded proved to be the *Barclay*, standing for Callao.|| The two ships then cruised for some time without meeting any others, and Porter on April 17 took his prize to Chatham Island, one of the Galapagos group. On the following day a box was found on Charles Island containing the names of British whalers supposed to be cruising in the vicinity. Assured of capturing something, Porter cruised among the Galapagos, but for almost a fortnight not a vessel was seen.§ Finally on April 29 three sails were sighted, which when captured proved to be the British whaler *Montezuma*, loaded with 1,400 barrels of sperm oil;¶ the *Georgiana*, a little vessel pierced for 18 guns and carrying 6; and the *Policy*, carrying 10

guns, the prizes and their cargoes being valued at about \$500,000.\* Porter then transferred the guns from the *Policy* to the *Georgiana* and placed Lieutenant John Downes and a crew of 41 men aboard.† The squadron then numbered four vessels and on May 29, 1813, with the aid of his prizes, Porter captured the British letter of marque *Atlantic*, 8 18-pounders. Hardly had this capture been effected when another sail was sighted and soon after captured; she proved to be the British letter of marque *Greenwich*, 10, laden with naval stores.‡ The fleet thus consisted of the *Essex*, 46, the *Georgiana*, 16, the *Greenwich*, 10, the *Atlantic*, 6, and the *Montezuma*, 2, with the unarmed vessels *Barclay* and *Policy*, carrying in all nearly 340 men and 80 prisoners.|| The prisoners had become so great an encumbrance that on June 19 Porter anchored in the river Tumbez, where the prisoners were sent ashore.§ Meanwhile Downes, in the *Georgiana*, had gone on an independent cruise, and in a short time had captured the *Catherine*, 8, the *Rose*, 8, and the *Hector*, 11, carrying in all 27 guns and 75

\* McMaster, vol. iv., p. 105; Cooper, *Naval History*, vol. ii., pp. 79-80; Maclay, pp. 549-550.

† Lossing, *War of 1812*, p. 724.

‡ Maclay, *History of the Navy*, vol. i., pp. 550-551.

|| Cooper, *Naval History*, vol. ii., pp. 80-81.

§ Lossing, *War of 1812*, p. 724.

\* Farragut, *Life of Farragut*, p. 22.

\* Porter's letter of July 2, in Brannan, *Official Letters*, pp. 175-176; Maclay, *History of the Navy*, p. 552.

† Farragut, *Life of Farragut*, pp. 22-23; Cooper, vol. ii., pp. 81-82.

‡ Maclay, *History of the Navy*, pp. 553-554; Cooper, vol. ii., p. 83.

|| Headley, *Life of Farragut*, p. 133; Maclay, *History of the Navy*, p. 554.

§ Lossing, *War of 1812*, p. 725.



men.\* As Downes, too, was overburdened with prisoners, he converted the *Rose* into a cartel, sent her to St. Helena, and then sailed for Tumbez, where he arrived on June 24.†

As a reward for this conduct, Porter raised the *Atlantic* to a 20-gun ship, renamed her the *Essex Junior*, and gave Downes command, with the rank of master-commander.‡ On June 30 the reorganized squadron set sail and soon after the ships parted company, the *Essex Junior* being sent to escort the *Policy*, *Barclay*, *Hector*, *Catherine*, and *Montezuma* to Valparaiso and to cruise until September, while the *Essex*, *Greenwich*, and *Georgiana* sailed westward toward the Galapagos.|| When off Banks Bay the three latter vessels sighted three sail which were captured after a short fight. The *Essex* captured the *Charlton*, a 10-gun ship; the *Georgiana* went after the second, the *New Zealander*, 8, but the third, instead of attempting to escape stood for the *Greenwich*. After a few broadsides, however, she was forced to strike and was found to be the *Seringapatam* of 14 guns and 40 men.§ The *Charlton* was then stripped of her armament and sent with the prisoners to Rio de Janeiro; and on July 25 the *Georgiana*, which

now had a full cargo of oil valued at \$100,000, was sent home to the United States. The guns of the *New Zealander* were transferred to the *Seringapatam*, thus making her a 22-gun ship\* After a long and fruitless cruise, Porter put into Banks Bay on August 22 where he left the prizes. Two days later, disguising the *Essex* as a merchant ship, he set sail alone. On September 15 he sighted a ship, which after a long chase he captured. She proved to be the British letter of marque *Sir Andrew Hammond*, 12 guns and 36 men.†

Porter then returned to Banks Bay, where he was joined by the *Essex Junior*, bringing word that some British frigates had been sent in search of him. He therefore determined to take his entire fleet‡ to the Marquesas Islands, about 3,000 miles away. The squadron sailed three weeks over the southern seas, and on October 23 the islands were sighted.|| Porter took possession of the island of Nukahiva (or Nouaheevah) in the name of the United States, naming it Madison Island, in honor of the President. There he remained several weeks

\* Porter's letter of July 2, in Brannan, *Official Letters*, p. 177.

† McMaster, vol. iv., pp. 105-106; Maclay, pp. 554-555; Cooper, *Naval History*, vol. ii., pp. 83-84.

‡ Spears, *Life of Farragut*, p. 60.

§ Lossing, *War of 1812*, pp. 725-726.

§ Maclay, vol. i., pp. 556-557.

\* Cooper, *Naval History*, vol. ii., pp. 84-85.

† *Ibid*, pp. 86-87; Maclay, pp. 558-559. Lossing gives her only 31 men.

‡ Now consisting of the *Essex Junior*, *Seringapatam*, *New Zealander*, *Sir Andrew Hammond*, and *Greenwich*. (Lossing, *War of 1812*, p. 727.)

§ McMaster, vol. iv., p. 107; Adams, *United States*, vol. viii., pp. 176-177. See also *Journal of a Cruise made to the Pacific Ocean by Captain David Porter in the United States frigate Essex* (2 vols., Philadelphia, 1815).



refitting the *Essex* and amusing himself and his crew by interfering in local politics. The savage Typees endeavored to expel Porter and his men, but the native tribesmen were no match for the seamen who completely defeated them and burned a number of their villages.\* That he should have brought away his whole crew after so much relaxation without desertion was surprising. For a time the men were in a state of mutiny, but they did not desert,† and on December 12 the *Essex*, accompanied by the *Essex Junior*, sailed for the coast of Chili, leaving the prizes in charge of Lieutenant John M. Gamble and 21 men.‡

After cruising on the coast of Chili without success, Porter reached Valparaiso on February 3, where he learned that the 36-gun frigate *Phoebe*, Captain James Hillyar, was on the coast searching for him. The *Phoebe* had been sent from England in March of 1813 with secret orders to destroy the American fur establishment on the Columbia River; but when she reached Rio de Janeiro she heard of the doings of the *Essex* and, taking the *Cherub*, 18, went around the Horn in search of the American frigate. Porter knew nothing of the *Cherub*, and, as he had no desire to avoid a battle with the *Phoebe*, waited

quietly at Valparaiso while the *Essex Junior* cruised around on the lookout.\* Porter was not compelled to wait long, for early on the morning of February 8 the *Essex Junior* signalled that two ships were in sight.† They proved to be the *Phoebe* and *Cherub*. The *Phoebe* was about 144 feet long and 38 feet wide, whereas the *Essex* was 139 feet long and 37 feet wide; the *Phoebe* carried a crew of 300—45 more than the crew of the *Essex*: the latter carried 17 32-pound carronades and 6 long 12-pounders on her broadside, whereas the *Phoebe* carried only 8 carronades and had 13 long 18-pounders, 1 long 12-pounder, and 1 9-pounder. Thus, while Porter could overpower the *Phoebe* at short range, the latter's 13 long range 18-pounders would enable her completely to destroy the *Essex* without receiving a shot in return.‡

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\* Spears, *Life of Farragut*, p. 68.

† Lossing, *War of 1812*, pp. 730, 731; Spears, *Life of Farragut*, p. 69.

‡ Adams, *United States*, vol. viii., p. 178; Cooper, *Naval History*, vol. ii., pp. 89-90. Maclay (*History of the Navy*, vol. i., p. 570) makes the armament as follows: *Essex*—40 short 32-pounders and 6 long 12-pounders, throwing 1,257 pounds of metal; *Phoebe*—26 long 18-pounders, 4 long 9-pounders, 14 short 32-pounders, 1 short 12-pounder, 1 short 18-pounder, throwing 982 pounds of metal; *Cherub*—18 short 32-pounders, 6 short 18-pounders, 2 long 6-pounders, and 1 short 12-pounder, throwing 708 pounds of metal; or a total of 1,690 pounds for the British against 1,257 for Porter. Roosevelt (*Naval War of 1812*, p. 307) compares the broadsides of the vessels as follows: *Essex*—6 long 12's, 17 short 32's, throwing 570 pounds net; *Phoebe*—13 long 18's, 1 long 12, 1 long 9, 7 short 32's, 1 short 18, throwing 497 pounds; *Cherub*—2 long 9's, 2

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\* Headley, *Life of Farragut*, pp. 152-154, 162-164; Cooper, *Naval History*, vol. ii., pp. 88-89; Lossing, *War of 1812*, pp. 727-730.

† Farragut, *Life of Farragut*, pp. 29-30.

‡ Maclay, *History of the Navy*, vol. i., pp. 561-563.

During the next two days the two British ships lay at anchor about half a mile away, then went to sea, and during the next month strictly blockaded the port. The *Essex* attempted by various manœuvres to bring the *Phoebe* into action without the *Cherub*, but, as the British captain, acting under orders—though in any case most sensibly\*—would not risk a combat single-handed in which he must have been beaten, he endeavored by every means to lure the *Essex* into an engagement with both his vessels.† One dark night, Porter, having observed that the *Cherub* occupied the same place for several nights before, sent out a boat expedition to capture her, but this failed, for on reaching the spot the crew of the *Cherub* was found to be at their quarters fully armed, evidently expecting such an attack.‡

For more than a month Porter submitted to the blockade, but, learning that several other frigates were

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short 18's, 9 short 32's, throwing 342 pounds; or a total of 839 pounds (273 long and 566 short) for the British. Roosevelt gives the crew of the *Phæbe* as 320 and of the *Cherub* as 180, making a total of 500 against 255 for the *Essex*. Thus the two vessels threw 273 pounds of long metal against 66 for the *Essex*, certainly frightful odds. Porter says the *Phæbe* carried 30 long 18-pounders, 16 32-pound carronades, 1 howitzer and 6 3-pounders in the tops; the *Cherub* 18 32-pound carronades, 8 24's, and 2 long 9's; the *Essex*, 40 32-pound carronades and 6 long 12's; the *Essex Junior* 10 18-pound carronades and 10 short 6's. See his Journal quoted in Headley, *Life of Farragut*, pp. 174-175.

\* Spears, *Life of Farragut*, p. 73.

† Cooper, *Naval History*, vol. ii., p. 91.

‡ Farragut, *Life of Farragut*, p. 34.

searching for him and hoping by the superior sailing qualities of his ship to make his escape, he had about made up his mind to run the blockade when on March 28, in a heavy gale, the *Essex* parted her port cable. As her starboard anchor would not hold, Porter determined then and there to make the attempt to escape.\* Unfortunately, in doubling the headland which enclosed the harbor, a violent squall carried away the main topmast together with several of the men.† There was now no alternative but to regain the port or to fight both the enemy's ships under the additional disadvantage of being crippled. He decided upon the former alternative. David Farragut, then a midshipman on the *Essex*, said many years after that Porter's decision was wrong, since being greatly superior in sailing qualities, the *Essex* should have borne up and run before the wind, her chance of outsailing the *Phoebe* or of separating her from the *Cherub* being better than that of regaining the anchorage.‡ The wind, however, made it impossible to get back to the common anchorage, the *Essex* ran close into a small bay about three-quarters of a mile to leeward of the battery on the east of the harbor and let go her anchor within pistol-shot of the shore.|| Supposing that the Brit-

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\* Maclay, *History of the Navy*, vol. i., p. 565.

† Roosevelt, *Naval War of 1812*, pp. 293-294.

‡ Farragut, *Life of Farragut*, p. 38.

|| Maclay, *History of the Navy*, vol. i., p. 566. James (*Naval History*, vol. vi., p. 152), however,

ish would respect the neutrality of the place, Porter considered himself secure and began to repair the damages he had sustained. Hardly had he anchored, however, when the *Phoebe* and the *Cherub* bore down and soon showed Porter the real danger of his situation.\* With all possible dispatch Porter got his ship ready for action and endeavored to get a spring on his cable, but failed and a few minutes before 4 o'clock the attack was begun.†

At first the *Phoebe* took a position nearly astern of the *Essex*, while the *Cherub* lay off her starboard bow; the latter, however, found herself exposed to a hot fire and soon changed her position and with her consort kept up a raking fire under the stern of the *Essex*.‡ The American frigate could not bring her broadside to bear on the enemy, but was compelled to rely on 3 long 12-pounders which were

run out of the stern ports.\* These were served with such vigor and skill that at 4.30 the *Phoebe* was compelled to haul off to repair damages.† It was evident the Hillyar meant to take his time and to risk nothing in the attack; his antagonist was in his power and his only concern was to reduce her to a wreck with as little loss to himself as possible.‡ After repairing damages, the action was renewed. The *Phoebe* anchored and began firing her broadsides of long 18-pounders into the quarter of the *Essex*, while the *Cherub* kept under way and threw solid shot from her bow guns. Scarcely one of Porter's long guns could be brought to bear upon the two ships nor were his carronades powerful enough to reach the British vessels;|| as a result, the British ships cut down the crew of the *Essex* with their plunging fire and disabled her guns almost at their pleasure. The carnage was so frightful that three entire crews fell around one gun during the action.§ Finding it impossible to bring his guns to bear on the enemy, Porter attempted to run his vessel ashore and set her on fire, but when within musket-shot of the shore the wind shifted, paying the ship's head broad off and leaving her

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says "within a half-mile of the shore." Spears (*Life of Farragut*, p. 75) says "a quarter of a mile from the beach."

\* Porter says that when parting with Hillyar, he alluded to his conduct in attacking the *Essex* in a neutral port, whereupon Hillyar replied: "My dear Porter, you know not the responsibility that hung over me with respect to your ship. Perhaps my life depended in taking her." Porter says: "I asked no explanations at the time. If he can show that the responsibility rests on his government, I shall do him justice with more pleasure than I now impeach his conduct."—Porter's *Journal*, vol. ii., p. 157.

† Cooper, *Naval History*, vol. ii., p. 92. Lossing (*War of 1812*, p. 732) says a few minutes before 5 o'clock. Porter, however, says 3.45; and Hillyar a few minutes after 4.

‡ Farragut, *Life of Farragut*, p. 36; Maclay, *History of the Navy*, vol. i., p. 566.

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\* Roosevelt, *Naval War of 1812*, pp. 294–295.

† Spears, *Life of Farragut*, p. 76; Porter's report in Fay, *Official Accounts*, pp. 200–201; Maclay, *History of the Navy*, vol. i., p. 567; Lossing, *War of 1812*, p. 732.

‡ Spears, *Life of Farragut*, p. 76.

|| Roosevelt, *Naval War of 1812*, pp. 295–296.

§ Cooper, *Naval History*, vol. ii., p. 93.



exposed to a raking fire worse than she had experienced before.\* The *Phoebe* kept her distance, throwing three 18-pound shot into the *Essex* every five to ten minutes, until the American frigate was cut to pieces and rendered helpless. Still Porter held out, hoping to lay the *Essex* alongside the cautious *Phoebe*. An anchor was let go and the head of the vessel was brought around so that Porter could give the *Phoebe* a broadside. This badly crippled the *Phoebe*, which began to drift away with the tide. Porter now was hopeful of success, but suddenly his hawser parted and the *Essex*, an almost helpless wreck, aimlessly floated toward her antagonist.† Twice she took fire, part of her powder exploded,‡ she had been hulled at almost every shot, and finally the colors were hauled down,|| though the British did not cease firing until 10 minutes later (6.20).§ The *Essex* lost 58 killed and 66 wounded, but including the drowned and missing she lost 152 out of her crew of 255. Hillyar claimed to have had 119 unwounded prisoners, while Porter declared that there were only 75 unwounded prisoners (capable of

doing duty).\* The British loss was only 5 killed and 10 wounded out of 500 men.† The *Essex Junior* was then converted into a cartel and in it Porter and the survivors were sent to the United States; they arrived off Sandy Hook July 5, 1814, where they were brought to by the *Saturn*. As the latter seemed determined not to let them pass, Porter decided to effect his escape in spite of the British ship. Although 30 miles from land, Porter and a few of his men dropped into a whale boat and started toward shore. The *Saturn* gave chase, but a dense sea fog settled down and hid Porter from the British ship. After rowing two nights longer, Porter and his men landed at Babylon, Long Island, where they were seized as spies. He had little trouble in convincing his captors of his identity and was allowed to pass on to New York. There the *Essex Junior* had already arrived and Porter was received with great enthusiasm, as one who had brought great honor to the American navy.‡

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\* See the total of losses according to the British and American accounts in Roosevelt, p. 303, note.

† Cooper, *Naval History*, vol. ii, p. 95; Maclay, *History of the Navy*, vol. i., pp. 569-571.

‡ Maclay, *History of the Navy*, vol. i., pp. 573-574; Farragut, *Life of Farragut*, pp. 45-48; Adams, *United States*, vol. viii., pp. 177-180; McMaster, vol. iv., pp. 108-109; Barnes, *Naval Actions of the War of 1812*, pp. 171-187; Headley, *Life of Farragut*, pp. 180-181; Hill, *Twenty-Six Historic Ships*, pp. 221-240, and *Romance of the American Navy*, pp. 118-135; Clark, *Short History of the Navy*, pp. 175-188; James, *Naval Actions*, pp. 78-82; Bowen, *Naval Monument*, pp. 97-127; Spears, *History of Our Navy*, vol.

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\* Farragut, *Life of Farragut*, pp. 36-37; Maclay, *History of the Navy*, vol. i., p. 568.

† Lossing, *War of 1812*, p. 732.

‡ Roosevelt, *Naval War of 1812*, pp. 297-299. James denies that the *Essex* was afire twice, though the British captain himself says so. (Roosevelt, pp. 303, 309.)

|| Cooper, *Naval History*, vol. ii., pp. 93-95.

§ Porter's *Journal*, quoted in Headley, *Life of Farragut*, p. 177; Fay, *Official Accounts*, p. 204.



The officers and men who had been left at Nukahiva, meanwhile, had undergone trying experiences. Gamble was compelled to subdue the natives by a show of force, but desertion and sickness reduced the numbers of the American party and on May 7 six of the men mutinied and captured the *Seringapatam*. On May 9 the natives made another attack, killing and wounding several men, so that there

were only four men aboard the *Sir Andrew Hammond* fit for duty. Gamble then set sail and finally reached the Sandwich Islands, but two weeks later was captured by the *Cherub*, from the commander of which he first learned the fate of the *Essex*. Ultimately the Americans were landed at Rio de Janeiro, whence late in August, 1815, they made their way to New York.\*

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iii., pp. 1-53; Mahan, *War of 1812*, vol. ii., pp. 244-252.

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\* Cooper, *Naval History*, vol. ii., pp. 96-97; Maclay, vol. i., pp. 574-575.



# THE UNITED STATES

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## CHAPTER XXI.

1812-1815.

PRIVATEERING.

Character of privateers — Number of prizes captured — Capture of the *Pursuit* and *Planter* by the *Atlas* — Escape of the *Governor Tompkins* — Cruise of the *Comet* — Action between the *Chasseur* and *St. Lawrence* — Barney's cruise in the *Rossie* — Capture of the *Dominica* by the *Decatur* — Attack on the *Prince de Neuchatel* — Escape of the *General Armstrong* from the *Coquette* — The battle in Fayal Roads.

WHILE the sloops and frigates of the American navy were acquiring imperishable renown on every sea, the flag was still more widely displayed and as bravely and ably defended by a class of vessels whose exploits were equally noteworthy, but to whom little credit has been given. When hostilities broke out no American privateer was in existence, but the Embargo and Non-intercourse acts, and the final declaration of war threw out of employment hundreds of sailors who were anxious for work. Moreover, the ship-owners were eager to find employment for their ships and, even though the risk was great, privateering was better than having the ships lie idle and unremunerative. Now that war had come and these fast sailing clipper-built ships were idle, they were turned into privateers; every available merchant craft, coasting-vessel, and fishing smack was overhauled, mounted with a few guns, and sent out with a commission to

burn, sink, and destroy. These vessels mounted a longtom on a swivel in the middle of the ship and perhaps half a dozen lighter guns on broadside,\* and as a rule were intended for short cruises. The privateers were about 120 feet long on the spar-deck, 31 feet in extreme breadth, rigged as ships or brigs, with long slender masts and spars carrying a cloud of canvas, armed with from six to eighteen guns, and manned by crews of from 100 to 150 seamen. They were built for speed and were intended to fight only as a last resort, their particular object being to dart in, strike a sudden blow, and escape.† The private armed vessel was built rather to fly than to fight and its chief value lay more in its ability to escape than in its capacity to attack. Numbers of these ships were owned by stockholders, many by firms, and some by single individuals,

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\* Lossing, *War of 1812*, p. 993.

† McMaster, vol. iv., pp. 112-113; Adams, *United States*, vol. vii., p. 314 *et seq.*

who neither preserved nor made public the captains' reports. The number of privateers at sea in 1813 was not recorded, though according to one list there were about 500.\* Nearly 250 of these privateers fell into British hands. The total number of prizes captured from the British in 1813 exceeded 400, more than 300 of which were captured by privateers, while National cruisers took only 79.† But privateering was not profitable to the large majority of those who owned these ships. Of the 500 privateers recorded, 300 were said never to have made a prize, and of the remainder but few made their expenses.‡ In these pages only the most prominent privateers can be mentioned.||

Two distinguished privateersmen who went to sea early in the war were David Maffitt and Nathaniel Shaler, the former being in command of the *Atlas*, which sailed from the Delaware early in July of 1812 and fell in with two British ships on the morning of August 5. Maffitt placed his ship between the two British vessels and opened with a broadside from each battery, followed by volleys of

musketry. So terrific was the fire from the privateer that the smaller ship struck her colors within an hour. Maffitt then devoted his attention to the larger ship, but scarcely had he turned from the smaller ship when, to the surprise of the Americans, the latter opened fire again. Maffitt reopened on this vessel, however, and in a few minutes drove every man below deck.\* All the while Maffitt had maintained a heavy fire from the opposite battery on the larger ship, with the result that she shortly surrendered. She proved to be the *Pursuit* of 16 guns and 35 men; the other ship was the *Planter* of 280 tons, 12 12-pounders, and a crew of 15 men.† Prize crews were put aboard the *Pursuit* and *Planter* and for nearly a month the three vessels continued on their journey northward without molestation, but at 4.30 on the morning of September 2, 1812, a frigate was discovered in pursuit. Believing her to be an Englishman, Maffitt ordered the *Pursuit* to make for port and the *Planter* to sail northward while he himself engaged the frigate. The *Pursuit* was soon out of sight, but, instead of making for the *Atlas*, as was expected, the frigate started for the *Planter* and soon captured her. Realizing that he would have small chance against the heavier frigate, Maffitt sailed westward and shortly afterward gained port. Subsequently

\* Emmons, *Navy of the United States*, pp. 170-197.

† Adams, *United States*, vol. vii., p. 331.

‡ Babcock, *Rise of American Nationality*, p. 115.

|| For the complete history see Maclay, *History of American Privateers*; George Coggeshall, *History of the American Privateers and Letters of Marque during our War with England in the Years 1812-1814*. The various histories of the navy mentioned in previous pages record some of the more important engagements.

\* Lossing, *War of 1812*, p. 997.

† Coggeshall, *American Privateers*, pp. 79-80.



he learned that the frigate was the *Essex* under Captain David Porter.\*

About this time Captain Shaler set sail in the 14-gun schooner *Governor Tompkins* and on December 25, 1812, chased three sails, which on near approach were made out to be two ships and a brig. The largest of the strangers proved to be a first-class frigate which, when within range, fired on the American vessel. Shaler then ran up the American flag and, with an impudence which warranted punishment, began an animated fire from his puny battery of 9 or 12-pounders. The broadside from the British ship killed three and wounded six of the Americans, but did no other harm. At this moment the privateer was a little abaft the frigate's beam and could not attack without exposing herself to a raking fire. Shaler therefore determined to receive the frigate's fire on the tack on which he had been standing preferring to take the chance of outsailing the enemy and passing beyond her bow, where he would not be exposed to her dreaded broadside. The Englishman also kept on the same tack, and the two vessels ran along side by side for a half hour, giving and receiving a spirited fire. The British frigate proved to be a remarkably fast sailer, so that she managed to play her broadside guns with full effect on the privateer much longer than had been anticipated. Soon, however, the *Gov-*

*ernor Tompkins* began to draw ahead of the frigate and the enemy's shot fell short. Hardly had the privateer gotten out of range when the wind died out and the British vessel soon began to overhaul her. Shaler then threw overboard the deck lumber and about 2,000 pounds of shot, and, putting all hands at the sweeps, he soon got clear of "one of the most quarrelsome companions that I ever met with."\*

One of the most famous of the fighting privateers was the *Comet*, which, under Captain Thomas Boyle, captured many vessels after stubborn fights. Her first cruise began in July of 1812, when she fell in with the *Hopewell* of 14 guns. After a desperate conflict, the *Hopewell* was captured and her cargo subsequently sold for \$150,000.† The *Comet* then took the *Henry*, with a cargo valued at more than \$100,000, and the *John*, with a cargo valued at about \$150,000. She returned from this cruise in November of 1812, and was immediately refitted for sea. At this time Chesapeake Bay was blockaded by the British and it was not until a dark and stormy night late in December that Boyle succeeded in running the blockade. On January 14, 1813, Boyle

\* Coggeshall, *American Privateers*, pp. 140-143; Maclay, *American Privateers*, pp. 254-258; Lossing, *War of 1812*, p. 998. See also *Niles' Weekly Register*, vol. v., p. 429. The *Governor Tompkins* brought her men and owners much money. After this fight she captured a large number of prizes, several of which were worth more than \$200,000 apiece and three of which were valued at \$500,000.

† Lossing, *War of 1812*, p. 997.

\* Maclay, *American Privateers*, pp. 251-254.

discovered four sail standing out of the harbor of Pernambuco and set out in pursuit. By 6 o'clock he was near enough to perceive that one of these ships was a large man-of-war. An hour later, having come quite close to the enemy, the *Comet* hoisted the American colors, whereupon the brig responded with Portuguese colors. Her commander, Hale, sent a boat aboard and informed Boyle that the brig-of-war was a Portuguese national ship of 20 32-pounders and a crew of 165 men, and that the others were British merchantmen which were under the protection of the brig and must not be molested.\* Though the *Comet* carried only 14 guns and had a crew of 120 men, Boyle replied that his ship was an American cruiser and as such had the right to attack English vessels; if the Portuguese attempted to interfere, the *Comet* would open with her guns, for he was determined to capture the merchantmen.

Boyle then made sail for the English vessels, consisting of a ship of 14 guns and two brigs of 10 guns each. The Portuguese ship made chase, but before she could come up, the *Comet* had run in between the British ships and had opened on them from close quarters. Boyle tenaciously hung to the British merchantmen and kept up a steady fire. The British vessels separated occasionally so as to give the man-of-war a chance at the *Comet*, but the gunnery

of the Portuguese was so poor that little damage was done. This running fight was maintained for five hours. Shortly after midnight one of the British vessels, being cut to pieces, became unmanageable and surrendered; a little later the merchant brig also surrendered, but just as Boyle was about to take possession of her, the Portuguese vessel came up and compelled him to desist. Accordingly Boyle devoted all his attention to the man-of-war and after some heavy firing compelled her to sheer off, then capturing the third British vessel, which, like its consorts, was badly cut up.\* The victory of the Americans was still far from assured, for the Portuguese remained within gunshot and threatened to come to close action at the first opportunity. Boyle hastened to take possession of the second prize, but shortly after 2 o'clock the weather blew up squally and he became separated from his prizes. At daylight, however, he regained one of the prizes, but the Portuguese man-of-war again attempted to interfere. The privateer promptly hove about and stood for her, when the Portuguese tacked and made signals for the British vessels to make for the first port. Two escaped, but the richest prize Boyle retained in his own possession.†

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\* Coggeshall, *American Privateers*, p. 132 et seq.

† Maclay, *American Privateers*, pp. 281-288; Barnes, *Naval Actions of the War of 1812*, pp. 91-99; McMaster, vol. iv., pp. 113-114; Lossing, *War of 1812*, p. 999.

\* Lossing, *War of 1812*, p. 999.

On February 6, 1813, while 12 miles off St. John, Boyle discovered two brigs to leeward and made chase. The nearest craft was a frigate from Demarara loaded with sugar, rum, coffee, and cotton. She hoisted British colors, fired a gun, but observing that the *Comet* was a superior vessel soon struck.\* Stopping just long enough to place a prize crew on board, Boyle set out in pursuit of the second brig. Almost at the same moment another ship hove in sight, which Boyle ascertained from his prisoners to be the man-of-war brig *Swaggerer*. Hoping to capture the second brig before the *Swaggerer* could come up, Boyle threw several broadsides at the Englishman, who promptly surrendered. But before the American prize crew could go aboard, the British captain cut away his topsail, jib, halyards, and other rigging, hoping thereby so to cripple his ship that the Americans could not get her under sufficient sail to escape the *Swaggerer*. Boyle saw the trick and sent a number of men aboard to repair the damages. All this time the *Swaggerer* had been rapidly approaching; and, seeing that he must either run or fight a vastly superior ship, Boyle sent a prize crew aboard his captured ship, ordered them to get up what sail they could, and make their way through the passage between the islands of St. John and St. Thomas.

\* Coggeshall, *American Privateers*, pp. 136-137.

After seeing her prizes safely off, the *Comet* then started off toward the United States, hotly pursued by the *Swaggerer*. A few hours later, when the *Comet* was about four miles to windward of the enemy, she discovered another vessel and captured her; before the lumbering *Swaggerer* could come up Boyle had put a prize crew aboard the schooner (which was the *Jane*), sent her through the passage between Tortola and St. John, and most leisurely resumed his course toward the United States. On March 17 he ran the blockade into Chesapeake Bay and soon arrived in Baltimore.\*

So great was Captain Boyle's success in the *Comet* that upon his return from his last voyage he was placed in command of the privateer *Chasseur*, mounting 16 long 12-pounders and carrying a crew of 100. In his first cruise in this vessel Captain Boyle captured 80 merchantmen, nearly all of great value.† His favorite cruising ground was the English Channel and the coast of Great Britain. He had many narrow escapes, but his very audacity seemed to carry him past all danger. While on his cruise in the Channel, Boyle sent a proclamation to London which he requested to be posted in Lloyd's

\* Maclay, *American Privateers*, pp. 288-291; Coggeshall, *American Privateers*, pp. 137-139; McMaster, vol. iv., p. 114.

† Lossing, *War of 1812*, p. 999. A partial list will be found in Coggeshall, *American Privateers*, p. 358 *et seq.*



Coffee House, wherein he said that all the ports, harbors, bays, creeks, rivers, inlets, outlets, islands and seacoasts of the United Kingdom of Great Britain and Ireland were in a state of rigorous blockade;\* but, as Adams says, the jest at that moment was too sardonic to amuse the British people.† Boyle returned home from his European cruise in October of 1814 and shortly afterward departed for the West Indies.

On February 26, 1815, when 36 miles to windward of Havana, the British war schooner *St. Lawrence* was discovered to the northeast, apparently running before the wind. Both vessels were built and equipped by Americans, but the *Chasseur* was slightly superior both in armament and crew, carrying 16 guns and 102 men, against 12 short 12-pounders and 1 long 9-pounder and a crew of 75 men, besides officers, soldiers, and civilians, aboard the *St. Lawrence*. Boyle promptly made chase and as the foretop mast of the British vessel was carried away by overcrowding sail, the *Chasseur* soon came up. As the stranger showed only three ports on the side nearest the *Chasseur*, Boyle believed that she was poorly armed and manned. Confident of making short work of her, he increased his efforts to get alongside,

and as no serious fighting was anticipated, the regular preparations for battle were not made; but when the *Chasseur* had come within pistol shot, the enemy suddenly triced up ten port covers, showed the same number of guns and her decks swarming with men. Immediately the enemy ran out her guns and poured a whole broadside of round shot, grape, and musket balls into the *Chasseur*. Being squarely under the guns of a regular man-of-war, Boyle knew that his only alternatives were prompt surrender or stubborn fight. He decided on the latter and immediately returned the enemy's fire with cannon and musketry. Believing that the best chance for victory was at close quarters, Boyle put his helm to starboard and brought the two ships so close together that the American sailors could leap aboard the British ship. Before they could strike a blow, however, she surrendered.\* According to the British report, 6 men on the *St. Lawrence* were killed and 17 wounded, though the American accounts say there were 15 killed and 25 wounded. On the *Chasseur* there were 5 killed and 8 wounded, among the latter being Boyle himself.† So badly disabled was the *St. Lawrence* that her masts went by the board the same night, whereupon Boyle made a cartel of his prize and sent his prisoners by her to Havana.

\* For the proclamation in full see Maclay, *American Privateers*, pp. 294-295; Niles' *Weekly Register*, vol. vii., p. 290; Coggeshall, *American Privateers*, pp. 361-362.

† Adams, *United States*, vol. viii., p. 197.

\* Coggeshall, *American Privateers*, pp. 362-363.

† Roosevelt, *Naval War of 1812*, pp. 415-416.



The *Chasseur* then returned to the United States, reaching Baltimore on April 15, 1815, where Boyle learned that the treaty of peace had been signed.\*

When war was declared a number of Baltimore merchants fitted out the schooner *Rossie* with 10 short 12-pounders and 3 long guns, and a crew of 125 men, and placed her under command of Captain Joshua Barney. The *Rossie* sailed July 12, 1812, and on August 9, after taking several merchantmen of great value, fell in with the British privateer ship *Jeannie*, which was captured after a sharp action. On September 16 the *Rossie* fell in with the British packet *Princess Amelia*, and after a severe struggle lasting an hour, the enemy called for quarter.† The cruise of the *Rossie* lasted 90 days, during which she captured four ships, eight brigs, three schooners, and three sloops valued at more than \$1,500,000, including the cargoes.‡ This was Barney's first and only cruise in this war as a privateersman. Soon afterward he was taken into the regular navy and performed valuable services in the Chesapeake.||

There was little inducement for the privateers to attack regular British war vessels, since the latter were more heavily armed, and their holds contained nothing worth fighting for. Nevertheless there were several instances of American privateers fighting regular British men-of-war, one of the most notable actions of this kind being that between the American privateer *Decatur*, Captain Dominique Diron, of Charleston, and the English cruiser *Dominica*, Lieutenant George W. Barrett. The *Decatur* was a schooner mounting 6 12-pounders and 1 long 18-pounder on a pivot amidships and carrying a complement of 103 men and boys. The *Dominica* was a three-masted schooner carrying 12 short 12-pounders, 2 long 6-pounders, 1 brass 4-pounder and a short 32-pounder, and was manned by a crew of 88 men and boys. On August 6, 1813, the *Decatur* sighted two ships far away in the south and promptly made chase. By noon she had come almost within gunshot when the stranger showed English colors. Diron wore his ship at 2 o'clock for the purpose of passing under the stern of the *Dominica* and giving her a raking fire, but as the ships approached each other, the Englishman huffed and opened with his broadside, most of his shot passing over the *Decatur*.\* At 2.15 the *Decatur* again fired her longtom and as it was aimed with coolness and

\* Mahan, *War of 1812*, vol. ii., pp. 237-240; Maelay, *American Privateers*, pp. 295-300.

† Spears, *History of Our Navy*, vol. ii., pp. 245-248; Coggeshall, *American Privateers*, p. 86.

‡ See the extract from the log-book in Brannan, *Official Letters*, pp. 65-66; the synopsis in *Niles' Register*, vol. iii., p. 158. See also Mahan, *War of 1812*, vol. i., pp. 395-398; Coggeshall, *American Privateers*, p. 61.

|| Lossing, *War of 1812*, pp. 994-995; Maelay, *American Privateers*, pp. 305-307.

\* Coggeshall, *American Privateers*, p. 173.

deliberation within half gunshot distance, the effect was appalling. The British officers now directed their gunners to take better aim and to fire into the Yankee's hull. The result of this was apparent at the next broadside, for the shots hulled the *Decatur*, killed two of her crew, and did much damage to the rigging. But Diron doggedly followed under the *Dominica's* stern and in this manner the two vessels ran on for several minutes. Finally, however, Diron overhauled the Englishman and at 3.30 gave the schooner a broadside. Then began a terrible scene of slaughter and bloodshed; one of the first of the British to fall was Lieutenant Baretté, and in fact the only English officers not killed or wounded were the surgeon and one midshipman. Finally, after 18 of their number had been killed and 42 wounded, the survivors of the *Dominica's* crew surrendered. Of the Americans, 5 were killed and 15 wounded.\* Upon seeing the outcome of the conflict, the convoy immediately tacked to the south and by sunset had disappeared.† The *Decatur* then took her prize to Charleston, where they arrived on August 20. The *Dominica* was fitted out as a privateer carrying four guns and 36 men, but was captured by the British ship-of-the-line

*Majestic* on May 23, 1814. Late in 1813 the *Decatur* went to sea again, but her cruise was unsuccessful; she was finally captured (June 15, 1814) by the British frigate *Phinn*.\*

One of the most remarkable actions of the war was that between the British frigate *Endymion*, 40, Captain Henry Hope, and the armed ship *Prince de Neufchâtel*, Captain John Ordronaux, which occurred off Nantucket on the night of October 11, 1814. Early in March of 1814 the *Prince de Neufchâtel* entered the English Channel and in one brief cruise made nine valuable prizes, six of which safely reached French ports. In June she again swept through the English Channel and between the 4th and 10th of that month sent six more prizes to Havre. In August she set out once more, this time for the Irish Channel, where within a short time she had captured a number of brigs, sloops, cutters, and armed ships. Instead of returning to a French port, as had been her custom, the American privateer sailed directly to Boston, where she was refitted and put to sea again early in October. The *Endymion*, one of the vessels which was blockading the port of New York, had gone to Halifax for repairs, and on October 11, while returning to her station off New York, fell in with the American privateer, then only a few days out of Boston.

\* Lossing, *War of 1812*, pp. 1002-1003. Brackenridge (*History of the Late War*, p. 148) gives the British loss as 13 killed and 47 wounded and the American loss as 3 killed and 16 wounded.

† Coggeshall, *American Privateers*, pp. 175-176.

\* Maclay, *American Privateers*, pp. 308-319; James, *Naval Actions*, p. 32.

The British vessel promptly gave chase and the Americans made every effort to escape. Just after sunset the wind died out completely and, as the current was sweeping him shoreward, Captain Ordranax was forced to anchor. The many prizes taken had reduced the crew of the American vessel to 40, and, to make matters worse, she had 37 prisoners.\* As the latter, in the presence of the danger that now beset the privateer, showed an intention to rise against the crew, they were handcuffed and sent below, every preparation being made for a desperate resistance.†

About nine o'clock at night Captain Ordranax distinctly heard the sound of oars at a distance, whereupon the privateer began a rapid discharge of her great guns and small arms. The English ignored this and in a few minutes were alongside the *Prince de Neufchâtel*, one boat under each bow, one on each side, and the fifth under the stern, thus compelling the American crew to face five different points of attack at once. The men from the barges under the bows met with the least resistance and had gained the forecastle when Captain Ordranax and a few followers turned the main gun on them and swept them off with cannister and musket balls. At the stern and along the sides the fight was hand to hand with knives, pistols, cutlasses, marlin spikes, belaying pins,

and even with bare fists. Again and again the British sprang at the sides of the vessel in an attempt to gain its deck, but as often they were met with such a shower of heavy shot, muskets, and pistol balls that they were beaten back. At the end of 20 minutes the English cried out for quarter, upon which the Americans ceased firing. It was found that of the five barges, one had been sunk with 43 men, three more had drifted off with apparently no living soul in them, and the fifth (the launch under the stern) was taken possession of by the Americans and was found to contain only eight uninjured men in a crew of 36. The entire number of men in the five barges was 120, while Captain Ordranax had but 40 fit for duty, of whom 7 were killed and 24 wounded.\* The following morning the lieutenant, on behalf of the British seamen and marines, signed an agreement not to serve against the United States again in this war unless duly exchanged. On this agreement, the prisoners were placed on the shore at Nantucket by the privateer's launch and were taken in charge by the United States marshal. The *Prince de Neufchâtel* soon got under way and, evading the *Endymion*, ran into Boston Harbor on October 15.† On the night of

\* Roosevelt, *Naval War of 1812*, p. 342. Roosevelt says the British loss was either 28 killed, 55 wounded and 10 unhurt prisoners; or 28 killed, 37 wounded and 10 prisoners.

† Maclay, *American Privateers*, pp. 377-384; Hill, *Romance of the American Navy*, pp. 104-105; McMaster, vol. iv., pp. 116-118; Adams,

\* Roosevelt, *Naval War of 1812*, p. 341.

† Coggeshall, *American Privateers*, p. 466.



December 21 the *Prince de Neufchâtel* was captured by the British frigates *Leander*, *Newcastle*, and *Acasta*, then searching the seas for the *Constitution*, which had eluded them off Boston.

Another distinguished privateer was the *General Armstrong*, of New York, which was first brought prominently to the public attention by an action with an English ship off Surinam River, March 11, 1813. The vessel, then commanded by Captain Guy R. Champlin, was chased by the sloop-of-war *Coquette*, which he mistook for a letter of marque and approached with the intention of boarding. When within easy range, Champlin poured in his starboard broadside and, wearing the ship, delivered his port fire also. Then for the first time the stranger revealed her strength; the covers of her ports were triced up in rapid succession until the Americans found themselves facing 14 guns on the main deck, 6 guns on the quarter deck, and 4 guns on the forecastle. Fortunately the American gunnery was superior, which in some degree offset the great disparity of forces. For 45 minutes the *General Armstrong* lay within pistol shot of the Englishman, maintaining the unequal conflict in the hope that her antagonist would be disabled by some accident or by some lucky shot. When the enemy's gaff

halyards had been shot away and his colors were down, the Americans lost an excellent chance to deliver an effective blow. Supposing that the enemy had surrendered, Captain Champlin let slip the opportunity to rake the deck of the Englishman fore and aft with his longtom. By this time the Englishman had suffered heavily from the privateer's fire; but, as the wind now rose, the American ship luffed to northward, forereached her antagonist, and by the use of what sails were left and the sweeps gradually drew out of gunshot. In this action the American vessel lost 6 men killed and 16 wounded. Champlin then made for port and arrived at Charleston on April 4.\*

When Champlin relinquished the command of the *General Armstrong* that vessel was placed in charge of Captain Samuel Chester Reid. On the night of September 9, 1814, the *General Armstrong* ran the blockade at Sandy Hook and, after a long chase by two of the blockading squadron, dropped anchor in Fayal Roads on the afternoon of September 26 to obtain water and fresh provisions.† Before the ship could put to sea the British war-brig *Carnation*, 18, under Captain George Bentham, hove in sight close to the northeast head of

\* Coggeshall, *American Privateers*, pp. 105-109; Maclay, *American Privateers*, pp. 484-488; Lossing, *War of 1812*, p. 1001; Adams, *United States*, vol. vii., pp. 326-327. See also the extract from the log in *Niles' Register*, vol. iv., p. 133.

† *American State Papers, Naval Affairs*, vol. i., p. 495.

*United States*, vol. viii., pp. 207-210; Spears, *History of Our Navy*, vol. iii., pp. 202-204; Coggeshall, *American Privateers*, pp. 241-244.



the harbor. A few minutes after, the British 74-gun ship-of-the-line *Plantagenet*, under Captain Robert Lloyd, and the 38-gun frigate *Rota*, under Captain Philip Somerville, hove in sight, and the three ships began an exchange of signals. Certain that mischief was brewing, though the boats were in a neutral port, Captain Reid cleared for action and with the aid of his sweeps moved nearer in shore.\* The moon was nearly full at the time and as the sky was clear every movement of the vessels could be seen distinctly. Reid had not gone far, however, when four barges, under command of Lieutenant Robert Faussett, set out in pursuit of the *General Armstrong*. As soon as Reid saw the boats approaching, he dropped anchor with springs on his cable and brought his broadside to bear. As the boats came near he warned them to keep off or he would fire.† Although this warning was repeated several times, the British persisted in holding their course until they came close alongside, when, perceiving that the boats were well manned and apparently heavily armed, Reid could no longer doubt that they intended to attack him and opened up so steady and well aimed a fire that they soon cried for quarter and hauled off in a badly crippled condition.‡ According to American re-

ports, the British loss in this encounter was more than 20 killed or wounded; whereas Captain Reid had one killed and his first officer wounded.\* Knowing that a more formidable attack must soon come, Captain Reid hauled his vessel close to the beach and there anchored her head and stern.

About nine o'clock the *Carnation* was observed towing in a fleet of boats, which were soon cast off, and took station in three divisions, under cover of a small reef of rocks, within musket shot of the privateer. At midnight the boats were observed approaching the *General Armstrong* in close formation. Twelve boats were counted, each carrying a gun in the bow and containing in all some 400 men.† As soon as the British boats were within point blank range the privateer opened fire. The discharge of the longton created fearful havoc among the enemy and for a time seemed to stagger them. But the British responded with their caronades and musketry and then made a dash for the privateer. Their boats

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davits in Adams, *United States*, vol. viii., pp. 202-205.

\* *American State Papers, Naval Affairs*, vol. i., p. 495; Coggeshall, *American Privateers*, pp. 373-375, 379; Lossing, *War of 1812*, p. 1004.

† The accounts of this affair vary greatly. Lossing (*War of 1812*, p. 1004) says 500 men; Maclay (*American Privateers*, p. 496) says 400 men; Adams (*United States*, vol. viii., p. 206) says 200 men. See also James, *Naval History*, vol. vi., p. 509; *Viles' Weekly Register*, vol. vii., p. 255, and supplement, p. 171. A letter to Cobbett, signed H. K. F., states the force to have exceeded 400. See Fay, *Official Accounts*, p. 276.

\* *American State Papers, Naval Affairs*, vol. i., p. 495.

† Reid's report in Fay, *Official Accounts*, p. 270.

‡ Regarding the propriety of the conduct of the British officers in thus approaching, see the affi-

were soon under the bow and star-board quarters of the *General Armstrong*, and the big guns of the privateer were useless. But the Americans seized their small arms and prepared to keep off boarders. In a few minutes the British were engaged in a hand-to-hand conflict at the vessel's side, hacking at the boarding nettings and trying to climb on deck. Pikes, cutlasses, pistols and muskets now came into lively play and with deadly effect.\* Wherever the English showed their heads above the bulwarks they instantly became a target. Time and again the British attempted to leap over the bulwarks, but as often were repelled with great slaughter. Having repulsed the enemy under the stern and fearing that they were gaining a foothold in the forecastle, Reid and the whole after division rushed forward. The renewed activity of the fire so discouraged the enemy at this end of the ship that they retired with great losses after an action of 40 minutes.† Having completely defeated the British, Captain Reid began to count his losses and those of the enemy. Two of the British boats had been sunk, two were captured literally loaded with dead and dying men, while the others full of dead and wounded made their way back to the fleet.‡ From information received

from various sources, Captain Reid believed the enemy had 120 killed and about 130 wounded.\* The British admitted 34 killed and 86 wounded. The Americans had but 2 killed and 7 wounded.†

After beating off the boats, Captain Reid received a note from the American consul asking him to come ashore, where he was informed that the governor of Fayal had remonstrated with Captain Lloyd, had begged him to desist from further attack, and had been answered that the privateer would be taken at any cost, even if the town had to be battered down in order to do so.‡

Satisfied that he could not save his vessel, Reid ordered the dead and wounded to be taken ashore, repaired his damages as well as he could and again cleared the deck for action. At daybreak the *Carnation* was discovered standing close in and in a few moments opened fire. Reid responded with his formidable battery and soon compelled the *Carnation* to haul off with her rigging much cut, her fore top-mast and hull wounded and some other injuries. After repairing her damages the *Carnation* renewed the attack and dropping anchor opened a deliberate fire on the *General Arm-*

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\* Lossing, *War of 1812*, p. 1004.

† Roosevelt, *Naval War of 1812*, pp. 338-340; McMaster, vol. iv., pp. 118-119; Maclay, *American Privateers*, pp. 491-498; Adams, *United States*, vol. viii., pp. 206-207; Spears, *History of Our Navy*, vol. iii., pp. 186-201.

‡ *American State Papers, Naval Affairs*, vol. i., p. 495.

\* Reid's report in Fay, *Official Accounts*, p. 271.

† *American State Papers, Naval Affairs*, vol. i., p. 495.

‡ Reid's report in Fay, *Official Accounts*, pp. 271-272; also the letter from H. K. F. to Cobbett in *ibid*, p. 276.

*strong* with the intent to destroy her. Thinking he had done enough for the honor of his flag, Captain Reid senttled his vessel and went ashore with his crew. English boats then boarded the privateer and set her afire.\* A number of houses in the town were injured by the *Carnation's* fire and some of the inhabitants were wounded. Captain Reid had indeed done wonders; for so great was the damage inflicted upon the English that the fleet was forced to stay a week at Fayal burying their dead and attending to their wounded. Three days after the battle they were joined by the sloops of war *Thais* and *Calypso*, detailed by Captain Lloyd to take the wounded to England. This week's delay was most important; for the three vessels

(on their way to Jamaica to join the expedition against New Orleans) were prevented by the battle from arriving on time and so delayed Pakenham's fleet that Jackson had time to put New Orleans in a state of defence. By his splendid defence of the *General Armstrong* Captain Reid may therefore be justly said to have contributed much to Jackson's victory at New Orleans.\* After the fight Captain Reid and his surviving men retired to an old Gothic convent in the interior and prepared to defend themselves against further attack by the British. Captain Lloyd, however, did not see fit to resume hostilities. From Fayal Reid was taken by a Portuguese ship to Amelia Island, whence he made his way by land to New York.†

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## CHAPTER XXII.

### 1813-1815.

#### THE COAST BLOCKADE: CAPTURE OF WASHINGTON: LAST NAVAL BATTLES.

Beresford's attack on Lewiston, Delaware — Cockburn's attack on Frenchtown, Havre de Grace and other places — Defeat of the British at Craney Island — The pillaging of Hampton — The "Blue Light Treason" — Capture of Eastport, Nantucket, Castine and other places — Morris' defence of the *Adams* — Surrender of Bangor — Bombardment of Stonington — Defeat of the Americans at Bladensburg — The capture and burning of Washington — Operations of Gordon's fleet — Armstrong's resignation — Death of Parker — Attack on Baltimore — Defeat of the *President* — Destruction of the *Penguin* by the *Hornet* — Escape of the *Hornet* — Action between the *Peacock* and *Nautilus* — Defeat of the *Cyane* and *Levant* by the *Constitution* — Escape of the *Constitution*.

The declining power of Napoleon enabled England to devote more attention to the war in America. Rumors of a blockade began to be heard in the closing days of January

of 1813, when the fishermen of Chesapeake and Delaware bays reported that British ships were hovering off

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\* *American State Papers, Naval Affairs*, vol. i., p. 496.

\* Roosevelt, *Naval War of 1812*, p. 340; Losing, *War of 1812*, pp. 1004-1005.

† Maclay, *American Privateers*, pp. 499-502; Barnes, *Naval Actions of the War of 1812*, pp.



the coast. Early in February the people of Norfolk learned that a British fleet of six vessels was steaming in toward Hampton Roads. The people of the seaboard cities and towns then began to realize the dangers to which their defenceless position exposed them and made haste to protect their property. At Philadelphia, the city government having failed to concert measures of defence, the citizens assembled at the Coffee House, formed an association to defend the ports and harbors, and named a committee to prepare a plan. Another committee called on the young men to form a corps of light infantry to defend the city and the shores of the Delaware and requested the draymen, who were willing to form a corps of light artillery, to act with the first regiment of Pennsylvania cavalry.\* At Wilmington a similar meeting was held and resolutions were passed to build a fort below the rocks, to enroll and arm all the men, to arrange signals, etc. They acted none too soon, for early in February of 1813 a squad-

ron under Captain John P. Beresford appeared in Delaware Bay and began to destroy merchant vessels. Beresford made a demand upon the mayor of Lewiston, Delaware, for "twenty live bullocks with a proportionate quantity of vegetables and hay," threatening to destroy the town on refusal.\* The mayor referred the demand to Governor Joseph Haslet, who refused compliance. Accordingly on April 6, Beresford moved up the river with the *Poictiers* and two other frigates† and for twenty-two hours maintained a steady bombardment, throwing 800 shot besides Congreve rockets and shells, after which the ships drew off.‡ The damage inflicted on the town was estimated at about \$2,000.||

This new and discreditable species of warfare was carried on by the British ships principally in the Chesapeake. While Beresford was busy in the Delaware, Admiral Sir John Borlase Warren dispatched a fleet consisting of the 36-gun frigate *Maidstone*, the brigs *Fantome* and *Mohawk*, and four prize schooners with 400 or 500 seamen under Rear-Admiral Sir George Cockburn, to destroy everything in Chesapeake Bay that could serve a warlike purpose and to interrupt as far as possible communi-

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159-167; McMaster, vol. iv., pp. 119-120. See also Lossing, *War of 1812*, p. 1004; Coggeshall, *History of American Privateers*, p. 370; Lamb, *City of New York*, vol. ii., pp. 655-659; the *Collection of Sundry Publications and Other Documents, in Relation to the Attack made during the Late War upon the Private Armed Brig General Armstrong* (New York, 1853). Cf. *International Law. The Case of the Private Armed Brig of War General Armstrong, containing Letters and Documents Referring to the History of the Claim* (New York, 1857).

\* McMaster, vol. iv., pp. 121-122. The minutes of the Committee of Defence are in *Pennsylvania Historical Society Memoirs*, vol. viii.

\* Lossing, *War of 1812*, p. 668.

† McMaster (vol. iv., pp. 122-123) says the *Poictiers*, but Lossing (*War of 1812*, p. 669) says the *Belvidera*, as does Brackenridge, *History of the Late War*, p. 128.

‡ Lossing, *War of 1812*, p. 669.

|| McMaster, vol. iv., p. 123.



cation along the shore. With this petty force, Cockburn made for the head of the bay, spreading consternation wherever he went. The inhabitants seem to have become so thoroughly panic-stricken that they allowed Cockburn and his men to take quiet possession of Spesutia Island at the mouth of the river not far from Havre de Grace, and to obtain supplies of fresh food for the whole British force in Chesapeake Bay, while they spent their time not in fighting, but in hiding and carrying away their property. At Elkton the few stores in the place were emptied and the goods hurried into the country, while the specie was taken to Lancaster, Pennsylvania. At Frenchtown the people worked night and day to get every box, bale and barrel to a place of safety. This town, really but a village of a dozen buildings, had acquired some importance as a place of deposit for goods transported from Baltimore to Philadelphia. Hearing of this, Cockburn, on April 28, moved into the Elk River and sent his boats with 150 marines\* to Frenchtown, drove away the few militia who made a show of resistance, and burned whatever property was found.†

Cockburn then sent the troops to

Havre de Grace to destroy a battery lately erected there. Reaching the place early on the morning of May 3, the British captured the earthwork (defended by three cannon and about 50 men), its defenders fleeing to the woods.\* Cockburn's troops then entered the village and by nightfall had burned four vessels, the ferry boats, the stages, a bridge, 13 houses, two taverns, 10 stables, a saw-mill and a blacksmith shop.† According to Cockburn, the purpose of this vandalism was "to cause the proprietaries (who had deserted them and formed part of the militia who had fled to the woods) to understand and feel what they were liable to bring upon themselves by building batteries and acting toward us with so much useless rancor."‡ Having destroyed Havre

\* Lossing, *War of 1812*, pp. 670-672. For the British account see James, *Military Occurrences*, vol. ii., p. 37 *et seq.*

† McMaster, vol. iv., pp. 124-125. Lossing (*War of 1812*, p. 672) says that 40 of the 360 houses in the village were destroyed and the value of the property destroyed was not less than \$60,000. Adams (*United States*, vol. vii., p. 267) says "some sixty houses" were set afire. See also Brackenridge, *History of the Late War*, pp. 130-131; *North American Review*, vol. v., p. 160.

‡ See Cockburn's report to Warren, May 3, 1813, in James, *Military Occurrences*, vol. ii., app. ix. See also the account by Jared Sparks, in *North American Review*, vol. v., p. 157. On the manner in which the war was conducted see the correspondence between Monroe and Cockrane in *American State Papers, Foreign Relations*, vol. iii., p. 693, and *Military Affairs*, vol. i., pp. 339-381. The latter document (*A Report of a Committee of Congress relating to the Spirit and Manner in which the War has been waged by the Enemy*) was reprinted as *Barbarities of the Enemy* (Troy, 1813). On the treatment of prisoners see *American State Papers, Foreign Relations*, vol. iii., pp. 630, 726.

\* James, *Military Occurrences*, vol. ii., p. 33. Lossing (*War of 1812*, p. 670) says 400 men.

† Admiral Warren's report of May 28, 1813, to J. W. Croker. See also *American State Papers, Military Affairs*, vol. i., p. 359; McMaster, vol. iv., p. 124; Adams, *United States*, vol. vii., pp. 266-267; Brackenridge, *History of the Late War*, p. 130; James, *Military Occurrences*, vol. ii., pp. 33-36, and App. viii.

de Grace, Cockburn immediately moved up the Susquehanna in his boats and, meeting no resistance, destroyed a large cannon foundry at Cecil Furnace, together with several vessels.\* His handful of men passed the day undisturbed on the banks of the Susquehanna, capturing 51 cannon and 130 stand of small arms. By 10 o'clock at night the men were again on board their ships, having sustained a loss of only one man injured.† On the night of May 5-6 Cockburn sent another body of 600 troops in 18 barges into the Sassafra River, where for the first time the militia (100 in number) gathered to make a respectable defence. Cockburn landed, soon dispersed the militia, and pillaged and burned Fredericktown and Georgetown with the vessels and stores he found there, inflicting a loss estimated at \$70,000.‡ The next day (May 6) he reported to Admiral Warren that Charlestown on the northeast river and other places in the upper part of Chesapeake Bay had assured him that they were at his mercy and that neither guns nor militiamen should be suffered there.|| Cockburn then returned leisurely to Lynnhaven, where for six weeks the

British fleet remained comparatively inactive.\*

Admiral Warren's attention was then drawn to Norfolk, which was of no little importance in a commercial sense, but which was the chief obstacle between him and the Gosport navy yard, near which lay the frigate *Constellation*. On June 20, just before daylight, 15 of the gunboats whose duty it was to close the mouth of the Elizabeth River came out into the Roads and attacked the British frigate *Junon*, 38, but were finally obliged to retire, with the loss of one man killed and two wounded. The *Junon* lost one man killed and received only one or two shots in her hull.† In revenge, therefore, Admiral Warren determined to take Norfolk.

The utmost care had been taken to provide against attack by water. Captain Walker K. Armistead had constructed forts on the banks below the town and General Wade Hampton had taken command of the troops. Five miles below the forts on the west bank was another line of works, defended by Brigadier-General Robert B. Taylor of the Virginia militia.‡ Separated from these works by a few yards of water was Craney Island, on

\* James, *Military Occurrences*, vol. ii., pp. 39-40.

† Adams, *United States*, vol. vii., pp. 267-268.

‡ Lossing, *War of 1812*, pp. 674-675; Brackenridge, *History of the Late War*, p. 132. See also James, *Military Occurrences*, vol. ii., p. 46 *et seq.*, and App. x.

|| James, *Military Occurrences*, vol. ii., pp. 48-49.

\* McMaster, vol. iv., p. 125; Adams, *United States*, vol. vii., pp. 268-269.

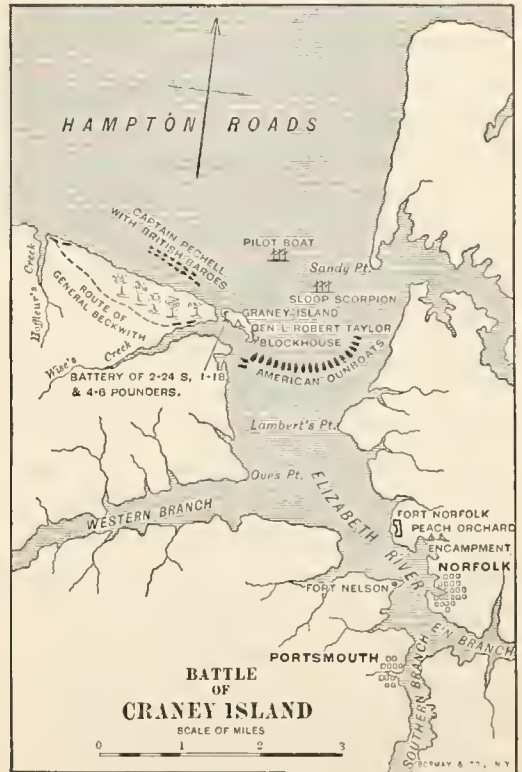
† Cassin's report in Brannan, *Official Letters*, p. 171 *et seq.*; Roosevelt, *Naval War of 1812*, p. 200; Cooper, *Naval History*, vol. ii., pp. 116-117; Maclay, *History of the Navy*, vol. i., pp. 531-532; McMaster, vol. iv., p. 126; James, *Military Occurrences*, vol. ii., pp. 54-56, and app. xii. Some say the ship attacked was the *Narcissus*.

‡ McMaster, vol. iv., pp. 126-127.

which a battery of seven guns manned by 100 sailors and 50 marines from the *Constellation* had been established.\* Captain John Cassin had also moored a line of 15 or 20 gunboats across the channel of Elizabeth River, their left resting on Craney Island. The total force on the island consisted of 735 troops.† The attack was planned for June 22. The land forces (in all 2,650 rank and file) were under command of Major-General Sir Sydney Beckwith, who led the main attack in person. The force commanded by Beckwith was to approach Craney Island from the rear or mainland, while Captain S. G. Pechell of the 74-gun brig *San Domingo* was to approach the island with 500 troops and 200 sailors‡ directly under the fire of the American guns on the island, but not exposed to those in the gunboats. But for the lack of concert with British forces the plan would have succeeded. At daylight of the 22d Beckwith landed with 800 men, and pushed forward to attack Craney Island from the rear.|| Pechell with his 700 men§ went along the shore and approached the island from the northwest.

About 11 o'clock the marine force came within range of the American battery, but instead of waiting until Beckwith could reach the rear Pechell

immediately began the attack in front. As the water was shallow, the leading boats grounded when 200 or 300 yards from land. The sailors might have waded ashore, but refused; and after three boats had been shattered, they hastily retired. Seeing that the boats



did not sink, midshipman Josiah Tatnall, with a few of the crew of the *Constellation*, waded out and brought them safely to shore.\* Meanwhile Beckwith's approach by land had been stopped by creeks, which he reported as too deep to ford, but which

\* Cooper, *Naval History*, vol. ii., p. 117.

† Lossing, *War of 1812*, p. 678.

‡ James, *Military Occurrences*, vol. ii., p. 58.

|| *Ibid.*, vol. ii., p. 57. Lossing (*War of 1812*, p. 679) says 2,500 men.

§ Lossing says 1,500.

\* C. C. Jones, Jr., *Life of Commodore Josiah Tatnall*, p. 17; Maclay, *History of the Navy*, vol. i., pp. 532-533; Roosevelt, *Naval War of 1812*, pp. 201-202.



he might easily have gone around. Nevertheless he reëmbarked his troops without further effort. Three of the British boats were sunk, three men were killed and 16 wounded, and 62 reported as missing. The Americans suffered no loss whatever.\*

To compensate his men for the failure at Craney Island, Warren immediately devised another movement. Opposite Craney Island, ten miles away on the north shore of the James River, stood the village of Hampton, which was of neither military nor commercial importance. A sand battery manned by 400 or 500 raw Virginia militia defended the town. In his official report of June 27, 1813, Warren said that the enemy had a post at Hampton, defended by a considerable corps, commanding the communication between the upper part of the country and Norfolk, and he therefore considered it advisable to attack it with a view to cutting off their resources.† This served as Warren's excuse for the attack. Accordingly, on the morning of June 25, Beckwith's troops were sent ashore two miles above the village with orders to take it in the rear while Cockburn with his barges made a feint in front. The militia made a good fight and in-

flicted a loss of nearly 50 men on Beckwith's troops, with a loss to themselves of about 30.\* But they soon gave way and the British troops entered the town, where they were allowed to do as they pleased with property and persons. In his diary Lieutenant-Colonel Charles J. Napier says that every horror—rape, murder and pillage—was perpetrated with impunity and not a man was punished.† In their report the American commissioners appointed to investigate the matter said: "We are sorry to say that from all information we could procure, from sources too respectable to permit us to doubt, we are compelled to believe that acts of violence have been perpetrated which have disgraced the age in which we live. The sex hitherto guarded by the soldiers' honor escaped not the rude assaults of superior force."‡ Beck-

\* Lossing, *War of 1812*, pp. 680-683.

† See also James, *Naval History*, vol. vi., p. 234; Adams, *United States*, vol. vii., pp. 275-276; Brackenridge, *History of the Late War*, pp. 134-136; McMaster, vol. iv., p. 128.

‡ In his report to the House on British atrocities on July 31, 1813, Bacon said: "These barbarities may be rationally considered as the consequence of the example set by the officers of the naval force on our coast. \* \* \* That troops who had been instigated by the example of their officers to plunder the property and burn the houses of unarmed citizens, should proceed to rape and murder, need not excite surprise, however it may inspire horror, \* \* \*. The shrieks \* \* \* were heard by the American prisoners, but were too weak to reach the ears or disturb the repose of the British officers, whose duty, as men, required them to protect every female whom the fortune of war had thrown into their power. The committee \* \* \* deeply regret that the evidence so clearly establishes the truth [of the charges

\* Adams, *United States*, vol. vii., pp. 270-275; McMaster, vol. iv., pp. 126-128; Dawson, *Battles of the United States*, vol. ii., p. 257; Cullum, *Campaigns of the War of 1812 to 1815*, p. 273; *Harper's Magazine*, vol. xxviii., p. 10; *Virginia Historical Register*, vol. i., p. 132; James, *Military Occurrences*, vol. ii., pp. 58-64.

† James, *Military Occurrences*, vol. ii., app. xiv.



with attempted to justify the atrocities by the law of retaliation and also tried to shift the blame to some French soldiers attached to the British forces, but it cannot be denied that an officer is responsible for the conduct of the troops under his command. Warren and Beekwith subsequently dismissed the Chasseurs Britanniques from the service.\* Warren made no attempt to hold the town, but after two days retired with his troops to Lynnhaven. During the rest of the year he cruised about the bay, meeting with little resistance and keeping Virginia and Maryland in constant alarm.†

In the North attacks on the coast were conducted by Commodore Sir Thomas Hardy in a manner much more creditable to British arms. Nevertheless his blockade was stringent and its efficiency was shown by the failure of Decatur's efforts to evade it. Decatur was at New York with the *United States*, the *Macedonian*, and the *Hornet*, waiting for a chance to slip out. Despairing of running the blockade off Sandy Hook, Decatur took his fleet through the East River into Long Island Sound. He reached Montauk Point on May 29 and on June 1 attempted to run out, but was chased by three of the

enemy's ships and was compelled to put back to New London.\* A British squadron immediately closed up the harbor and Decatur withdrew his ships as far as he could into the river and took every precaution to repel an attack. Though the British made no attempt to take the town, Decatur was obliged to remain idle all summer.† He still clung to the hope of escaping during the winter, thinking that the British (because of the severity of the weather) would then be less vigilant. But, according to his letter sent to the Secretary of the Navy, as often as he attempted the passage blue light signals would be displayed at the harbor's mouth, thus warning the British squadron. He said that these signals had been seen by many persons in the squadron, but he had been unable to detect those who communicated with the enemy.‡ Decatur's letter of December 20 was brought up in the House of Representatives in January of 1814, but nothing resulted from the investigation.||

The northern seacoast, which had thus far experienced little molestation from the enemy, became the object of attack early in the spring. Determined to stop blockade-running, the British naval officers proclaimed a blockade of the entire seacoast and

against the British]."—*American State Papers, Military Affairs*, vol. i., p. 340. Regarding this see the British version, in James, *Military Occurrences*, vol. ii., p. 66 *et seq.*

\* Lossing, *War of 1812*, pp. 683-684.

† McMaster, vol. iv., pp. 128-129; Adams, *United States*, vol. vii., pp. 277-278

\* Roosevelt, *Naval War of 1812*, p. 177; Lossing, *War of 1812*, p. 691.

† Cooper, *Naval History*, vol. ii., p. 119.

‡ Lossing, *War of 1812*, p. 695.

|| Adams, *United States*, vol. vii., pp. 278-280; Ingersoll, *History of the Second War*, vol. ii., p. 55; Waldo, *Life of Decatur*, chap. xiii.

then began their attacks along the northern shores. On April 7, 1814, a body of 200 sailors and marines ascended the Connecticut, landed at Pettipaug (or Pautopang) Point about six miles above Saybrook, and destroyed the shipping found there, as they did also at Brockway's Ferry, in spite of a body of militia. On this marauding expedition about \$200,000 worth of shipping was destroyed.\* By September all land east of the Penobscot had been conquered and formally annexed to New Brunswick.† The first to go were Moose Island and the town of Eastport. On July 11 Sir Thomas Hardy appeared off Eastport with a fleet and a force of 1,200 men and sent an officer with a flag of truce on shore. The major in command at Fort Sullivan finally surrendered, and within an hour the British flag was raised and the British troops surrounded the town. A few days later a proclamation was issued to the people announcing that the islands in Passamaquoddy would be occupied by British forces and that the inhabitants of Moose Island and its dependencies must swear allegiance to Great Britain or leave the island within a week. About two-thirds of the inhabitants submitted to this indignity, but the expected advantages from this humiliation were not realized. Such as held

out were conducted to the mainland or carried as prisoners to Halifax.\*

The next to go was Nantucket. The blockade had worked especially hard on the people of the island, where by July famine seemed near. Permission was requested of Admiral Cochrane to bring fuel and provisions to the island. The admiral stated that if the people would surrender all public property and remain neutral during the war, they would be allowed to bring in food, clothes, and provisions, but could catch neither fish nor whales. These terms being accepted, the promise was made.†

Castine suffered a similar fate. On August 26 Lieutenant-Colonel Sir J. C. Sherbrooke with a fleet carrying nearly 2,000 troops,‡ set sail from Halifax, and arrived at the Penobscot on September 1. A flag of truce was sent on shore and the surrender of the fort demanded, five minutes being allowed for compliance. The commander immediately ordered the flag back to the ship, fired off his four guns as the fleet drew nearer, and blew up the fort.|| The British troops then took possession of Castine and promptly sent expeditions against Belfast and Hampden, where the 28-gun corvette

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\* Williamson, *History of Maine*, chap. xxvi.; Brackenridge, *History of the Late War*, p. 210; McMaster, vol. iv., pp. 130-131; Adams, *United States*, vol. viii., p. 94; Lorenzo Sabine, in *Historical Magazine* (April-May, 1870); Lossing, *War of 1812*, p. 890.

† McMaster, vol. iv., p. 131.

‡ Lossing (*War of 1812*, p. 897) says nearly 4,000.

|| *Ibid.*, p. 898.

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\* Lossing, *War of 1812*, p. 888.

† McMaster, vol. iv., pp. 129-130.

*Adams* was undergoing repairs. A few days before Sherbrooke's arrival the *Adams*, under Captain Charles Morris, was brought into the Penobscot in a sinking condition. Repairs on the ship were far from finished when the British entered the Penobscot and sent a detachment of 700 men by land and 800 by sea to destroy the vessel.\* Morris hastily arranged his 28 guns in three batteries, manned them with his crew and begged the militia to protect the rear and flanks, distributing the ship's muskets among them. Hidden from view by a dense fog, the British landed unseen, attacked and routed the militia, and took the batteries in rear and flank. Unable to hold out, Morris set fire to the *Adams*, spiked his guns and retreated.†

The British then passed up the river in four ships and seven barges, dropped anchor off Bangor, and demanded the surrender of the town. The people asked for terms, which were announced to be unconditional surrender, provisions for the troops, 40 horses and quarters in private families for the officers. The townspeople could do nothing but submit. The British burned such shipping as was at the wharves, seized all the powder

and every arm in the village, and ordered the selectmen of the town to finish, launch and deliver those vessels on the stocks before October 30 or pay a ransom of \$30,000.\* At Bangor the British remained nearly a week, and, as Sherbrooke had no orders to occupy the country west of the Penobscot, the troops returned to Castine on September 9. Detachments were sent to occupy Belfast and Machias, so that the whole of Maine east of the Penobscot was in Sherbrooke's hands. Thus about 100 miles of Massachusetts seacoast passed quietly under the British yoke and so remained without the least resistance until restored by the treaty of peace. The male citizens took the oath of allegiance to the king and showed no unwillingness to remain British subjects.†

By this time all New England was in alarm. People hurried their goods and property into the woods, banks buried their specie, and every effort was made to prevent the British from capturing more than empty houses. Two men-of-war plundered, destroyed and laid the towns of Barnstable county under contribution. To save their salt works from destruction, Wellfleet paid \$2,000, Brewster, \$4,000, and Eastham, \$1,200. When Hardy had finished his work at Moose Island, he sailed southward with part

\* Maclay, *History of the Navy*, vol. ii., pp. 3-4.

† *Autobiography of Charles Morris*, pp. 177-179; McMaster, vol. iv., pp. 132-133; Adams, *United States*, vol. vii., pp. 95-96; Cooper, *Naval History*, vol. ii., p. 125; Roosevelt, *Naval War of 1812*, pp. 337-338; Lossing, *War of 1812*, pp. 899-900; James, *Military Occurrences*, vol. ii., pp. 245-248, and app. liii-lxi.

\* Lossing, *War of 1812*, p. 901.

† Adams, *United States*, vol. viii., pp. 96-97; Lossing, *War of 1812*, pp. 902-903; McMaster, vol. iv., p. 133.



of his squadron and on August 9 appeared off Stonington, Connecticut. Just before sunset the guns of the fleet opened and kept up a steady fire until midnight. The next day it was resumed and continued until noon, when the selectmen sent a flag to ask Hardy what he wished. He replied that he wished the people to give assurance that no torpedoes would be fitted out at Stonington and that they would send aboard the family of the late British consul at New London.\* No reply being made to this demand, the ships again opened fire and continued it for another day, when they withdrew. By this time half the village was in ruins.†

The British next determined to make a diversion somewhere on the southern coast in favor of the army on the Canadian frontier. On June 27 Major-General Robert Ross, who was chosen to make this diversion, sailed to Bermuda, where he arrived on July 24. The point of attack was to be decided by Cochrane, subject to the approval of Ross. Cochrane decided in favor of the Chesapeake and on August 3 the expedition set sail from Bermuda for the Bay, passing the Capes and landing at the mouth of the Potomac on August 15.‡ At this time Washington was absolutely unprotected, save by old Fort Washington, and the little flotilla

under Joshua Barney, which consisted of the sloop *Scorpion*, two gunboats and nine barges. Barney had performed prodigious feats with his little fleet and had eluded capture by running up small creeks out of reach of the British guns.\* But his flotilla was useless against a land expedition.

Armstrong seemed to think that since there was no strategy impelling the British to capture Washington, they would not make the attempt. Moreover, it was thought that the British would not venture, with any force at their command, upon so hazardous an expedition as that of assailing the capital of the United States.† Nevertheless, aware of the threatened invasion, the President began to press Armstrong early in May to take precautionary measures.‡ On June 23 and 24 Cabinet meetings were held at which the defence of Washington was considered. Requisitions were sent out to the District of Columbia for 2,000 men; to Maryland for 6,000 men; to Pennsylvania for 5,000 men; and to Virginia for 2,000 men; making a total of 15,000, of which it was expected that

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\* For details see Cooper, *Naval History*, vol. ii., p. 134 *et seq.*; Roosevelt, *Naval War of 1812*, p. 317 *et seq.*

† Edward D. Ingraham, *A Sketch of the Events which Preceded the Capture of Washington*, p. 4, quoting the *National Intelligencer*, also p. 48; Williams, *Invasion and Capture of Washington*, pp. 23-24, 32, 38-39, 60.

‡ See Madison's letter to Armstrong, May 20, 1814, *Madison's Works* (Congress ed.), vol. iii., p. 399. See also Williams, *Invasions and Capture of Washington*, p. 40 *et seq.*

\* Lossing, *War of 1812*, pp. 893-895.

† McMaster, vol. iv., p. 134; James R. Durand, *Life and Adventures* (Rochester, 1820).

‡ Adams, *United States*, vol. viii., pp. 124, 127.



10,000 would take the field.\* On July 2 the District of Columbia, Maryland, and part of Virginia were formed into a military district† with a military head of its own, and to the command of which Madison appointed Brigadier-General William H. Winder.‡ Winder entered upon his duties on July 5 and passed the next month scouring the country from Baltimore to Washington and points on the lower Potomac and Patuxent in search of spots on which to build defensive works.|| But difficulties of various kinds beset his path and on August 1, when he established his permanent headquarters at Washington, his labors had resulted in nothing more than the presence of 1,000 regulars and about 4,000 enrolled militia, of which the larger portion was yet to be collected.§ On the day the ships

of Cochrane and Ross dropped anchor off the Potomac, no line of defence had been selected, not a ditch nor a breast-work had been marked out or suggested, no obstacles had been placed in the roads, nor had Winder any more men, arms or ideas than he had when he took office.\* Furthermore, the call of the governor of Maryland for 3,000 militia produced only some 250.† The governor of Pennsylvania had no authority to draft men, and, as he could only appeal to the patriotism of the people, the requisition for troops met with indifferent success.‡

The British had not been inactive. When the transports arrived on August 17, the squadron moved 20 miles up the Bay to the mouth of the Patuxent, whence Cochrane wrote a note to Secretary Monroe saying that he had ordered the destruction of towns and districts along the coast in retaliation for the depredations in Upper Canada.|| When the army reached Benedict it was divided into three brigades numbering altogether, according to British accounts, 4,500.§

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\* Lossing, *War of 1812*, p. 918; *American State Papers, Military Affairs*, vol. i., pp. 524, 539; Brackenridge, *History of the Late War*, p. 254. Ingraham (*Events Preceding the Capture of Washington*, p. 42) gives a detailed statement of the requisition.

† Ingraham, *Events Preceding the Capture of Washington*, p. 8. For a review of the Proceedings of the Cabinet meeting of July 1, see Williams, *Invasion and Capture of Washington*, chap. ii.

‡ Williams, *Invasion and Capture of Washington*, pp. 71-80; Babcock, *Rise of American Nationality*, pp. 136-137. See also *American State Papers, Military Affairs*, vol. i., p. 524. This was the same Winder captured on the Canadian frontier.

|| *American State Papers, Military Affairs*, vol. i., pp. 526, 546, 552; Ingraham, *Events Preceding the Capture of Washington*, p. 18.

§ Lossing, *War of 1812*, pp. 919-920; *American State Papers, Military Affairs*, vol. i., pp. 546-548; Williams, *Invasion and Capture of Wash-*

*ington*, pp. 90-92; Brackenridge, *History of the Late War*, p. 255; Ingraham, *Events Preceding the Capture of Washington*, pp. 21-23.

\* Adams, *United States*, vol. viii., pp. 121-123; McMaster, vol. iv., p. 137; Ingersoll, *History of the Second War*, vol. ii., p. 164.

† *American State Papers, Military Affairs* vol. i., pp. 526, 552, 554.

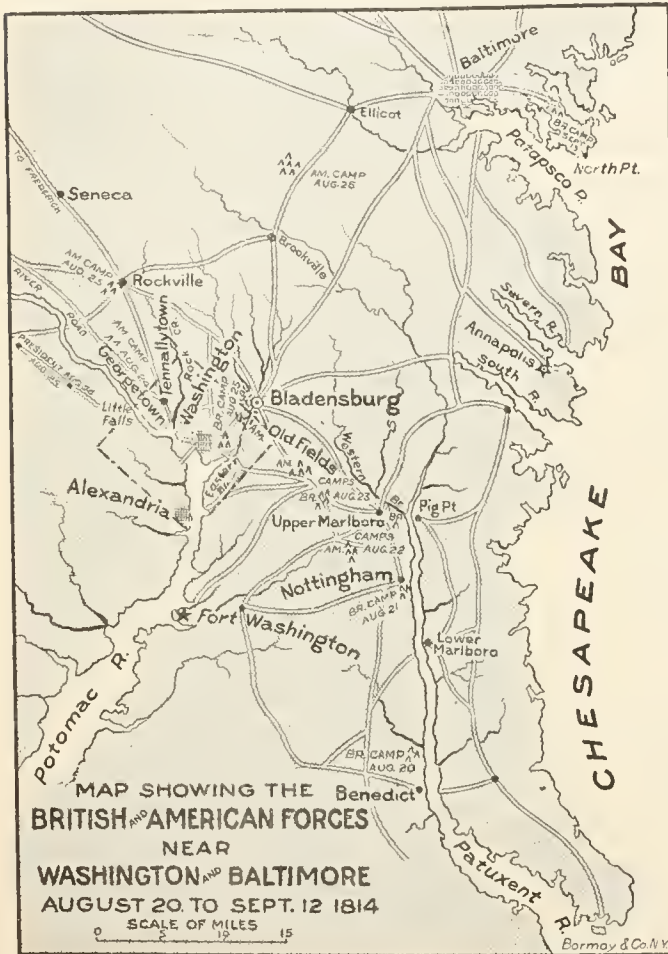
‡ *Ibid.*, vol. i., pp. 525-526; Lossing, *War of 1812*, p. 919.

|| *American State Papers, Foreign Relations*, vol. iii., p. 693.

§ Gleig, *Campaigns of the British Army at Washington and New Orleans*, pp. 94-95.

On the 20th Cochrane with the boats of the fleet started up the river in search of Barney's flotilla,\* while the land force marched along the road

purpose of bombarding Fort Washington (or Warburton), a few miles below Alexandria. Another expedition was sent under Sir Peter Parker to make a demonstration in the Patapsco.



and abreast of the boats. To prevent troops coming from Washington to cut off retreat, Captain John A. Gordon was sent up the Potomac for the

the British reached Upper Marlboro on the 22d.† On the way they heard the explosions which announced that Barney had blown up his flotilla by

\* Evidently this was only a pretext for ascending the river, the real object being the capture of Washington. See Williams, *Invasion and Capture of Washington*, pp. 132-134; Gleig, *Campaigns*, pp. 97-98.

\* Ingraham, *Events Preceding the Capture of Washington*, pp. 14-15.

† Gleig, *Campaigns*, p. 102.

‡ Williams, *Invasion and Capture of Washington*, pp. 162-164.

the order of the Secretary of the Navy, to prevent their capture by Cockburn's vessels.\* Instead of marching at daybreak of August 23 either to Baltimore or Washington, Ross passed the next day in idleness at Marlboro. He finally decided to attack Washington, and accordingly, on the afternoon of the 23d, put his troops in motion. Nothing happened until 5 o'clock, when, having gone within ten miles of Washington, Ross struck the American outposts and saw a force posted on high ground about a mile in their front at Old Fields. The British then formed to attack; but the American force promptly dispersed, and that night the invaders camped within nine miles of the capital.†

Meanwhile, on August 18, news arrived at Washington that the British fleet had appeared in the Patuxent. The President immediately sent out requisitions to the neighboring States, Monroe rushed off to play the scout along the Patuxent,‡ while Armstrong merely offered advice. Winder was nearly distracted by the letters, consultations, orders and demands which crowded upon him from morning till night, and though extremely busy, he

did nothing, according to his own account.\* Armstrong neither furnished troops, means to repel invasion nor military intelligence to carry out orders. The citizens seem to have been the only ones to take prompt and intelligent action. At a public meeting they resolved to erect works at Bladensburg at their own expense. Winder promptly accepted their offer, and by the following night the first signs of defence appeared.†

At 9 o'clock on the night of August 22 Monroe sent a note to Madison saying that the enemy was in full march toward Washington; that Winder proposed to retire until the troops could be collected; that preparations should be made to destroy the bridges; and that the official papers of the government should be moved to a place of safety.‡ On the same night a brigade of Maryland militia under General Tobias E. Stansbury arrived at Bladensburg, after a very fatiguing march, and was joined the next evening by the 5th Baltimore Regiment under Colonel Joseph Sterett and a rifle battalion under Major William Pinkney.|| Secretary Monroe arrived at Stansbury's quarters about midnight and, informing him of the British advance, advised him to fall on the British rear immediately. But as

\* Cooper, *Naval History*, vol. ii., p. 136; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 225-226; James, *Military Occurrences*, vol. ii., 277 *et seq.*

† Gleig, *Campaigns*, pp. 109-111, 118; McMaster, vol. iv., pp. 136-137; Adams, *United States*, vol. viii., pp. 127-131.

‡ *American State Papers, Military Affairs*, vol. i., p. 536.

\* *Ibid.*, p. 554.

† *Ibid.*, p. 582.

‡ *Ibid.*, vol. i., p. 539; Williams, *Invasion and Capture of Washington*, p. 158.

|| Ingraham, *Events Preceding the Capture of Washington*, p. 23; Lossing, *War of 1812*, p. 924; Williams, *Invasion and Capture of Washington*, p. 137.



Stansbury's troops were greatly fatigued by their recent march, he declined and remained at his post during the night.\* Early the next morning, having heard of Winder's retreat, he crossed the bridge over the eastern branch of the Potomac and, after securing his rear, halted a few hours.† Later in the morning he again moved forward with a view of taking possession of some ground for defence, when orders were received from General Winder to give battle to the enemy at Bladensburg in case they came that way.‡

Winder was satisfied as early as noon of Monday, August 22, that the British were going to Bladensburg. But, instead of retreating there, he ordered his troops to fall back to Old Fields, about five miles in the rear of the Wood Yard and about seven miles from the navy yard.¶ With this force (3,200 men) at his command, Winder ought to have attacked Ross, but he spent Tuesday afternoon, August 23, in scouting. Convinced that the British would not march that day, he rode off about noon for Bladensburg, leaving the army to itself.§ Hardly had he gone from camp when Ross resumed his march and made directly for Old Fields. Some resistance

might have been made by the Americans, had not Winder been summoned to return. On his arrival on the field at 5 o'clock he ordered a retreat.\* But, instead of going to Bladensburg, as every military reason required, he fell back to Washington by way of the bridge over the eastern branch of the Potomac, and camped in the navy yard.† Thus Winder carefully guarded a bridge a quarter of a mile long over an impassable river, defended by the guns of the war vessels and the navy yard, but left open the Bladensburg road leading directly to the capital and the White House. Accordingly the British broke camp early on the morning of the 24th and started for Bladensburg.‡ Winder had been uncertain as to what to do and wrote to Armstrong asking the advice of the Cabinet.¶ The members of the Cabinet repaired to headquarters, but hardly had they arrived when information was received that the British were marching toward Bladensburg.§ Camp was instantly broken and in less than an hour the President, Secretaries, generals, regu-lars, militia, volunteers and sailors were on the way to Bladensburg.¶ Monroe with some Maryland militia

\* *Ibid.*, pp. 528, 556, 564. See also Williams, *Invasion and Capture of Washington*, p. 176 et seq.

† Lossing, *War of 1812*, p. 925.

‡ James, *Military Occurrences*, vol. ii., p. 283.

¶ *American State Papers, Military Affairs*, vol. i., p. 548.

§ *Ibid.*, vol. i., pp. 564, 574. See also Williams, *Invasion and Capture of Washington*, chap. x.

¶ Lossing, *War of 1812*, p. 926.

\* *American State Papers, Military Affairs*, vol. i., pp. 528, 536, 560; Ingraham, p. 24.

† *American State Papers, Military Affairs*, vol. i., p. 572.

‡ *Ibid.*, vol. i., pp. 561, 568, 572.

¶ Lossing, *War of 1812*, p. 923.

§ *American State Papers, Military Affairs*, vol. i., pp. 556, 563.



was the first to reach the field and upon his arrival there found the ground already occupied by General Stansbury and the Baltimore troops. General Winder arrived at noon and rode about the field. At the same time the British light brigade made its appearance about a mile away.\*

The eastern branch of the Potomac, which was broad and deep near the navy yard, was narrow and shallow at Bladensburg and was spanned by a bridge over which the road to Washington passed. In a ravine near the eastern bank of this stream was the little village of Bladensburg. The western bank was hilly and on these hills Stansbury had drawn up his Maryland troops. On the western side of the stream the Washington road was crossed at an acute angle by the road to Georgetown, and in the triangular field formed by these two roads Stansbury posted his troops. On a little eminence about 1,000 feet from the bridge was a barbette earthwork behind which were the artillery companies from Baltimore, 150 strong with 6 6-pounders under Myers and Magruder. On the right of the battery near the junction of the roads were Pinkney's riflemen. In the rear of the left of the battery, near a barn and the Georgetown road, were two militia companies under Captains Ducher and Gorsuch. About 50 yards in the rear of Pinkney's riflemen were

Joseph Sterett's 5th Baltimore volunteers, and the regiments of Ragan and Schutz were drawn up *en eschelon* commanding the Georgetown road, their right on the left of the companies of Ducher and Gorsuch.\* Upon his arrival, however, Monroe made a change without consulting Stansbury, moving the commands of Sterett, Ragan and Schutz about a quarter mile to the rear of the artillery and riflemen, with their right resting on the Washington road.† In the meantime Winder arrived on the field and posted a third line in the crown of the hill, about a mile from the Bladensburg bridge. Colonel E. D. Beall's Maryland militia was stationed on the extreme right; Barney with his sailors and 2 18-pounders formed the centre; and Colonel Magruder's District militia, the regulars and militia, and the battery under George Peter formed the left. Magruder was immediately on the left of Barney's battery, his right resting on the Washington road. To the left of Magruder in order were Major Waring with a battalion of Maryland militia, Colonel Brent with the 2d Regiment of General Samuel Smith's brigade, the regulars under Colonel William Scott, and the companies of Captain John Davidson and Stull.‡

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\* *Ibid*, vol. i., p. 529.

† *Ibid*, pp. 536-537.

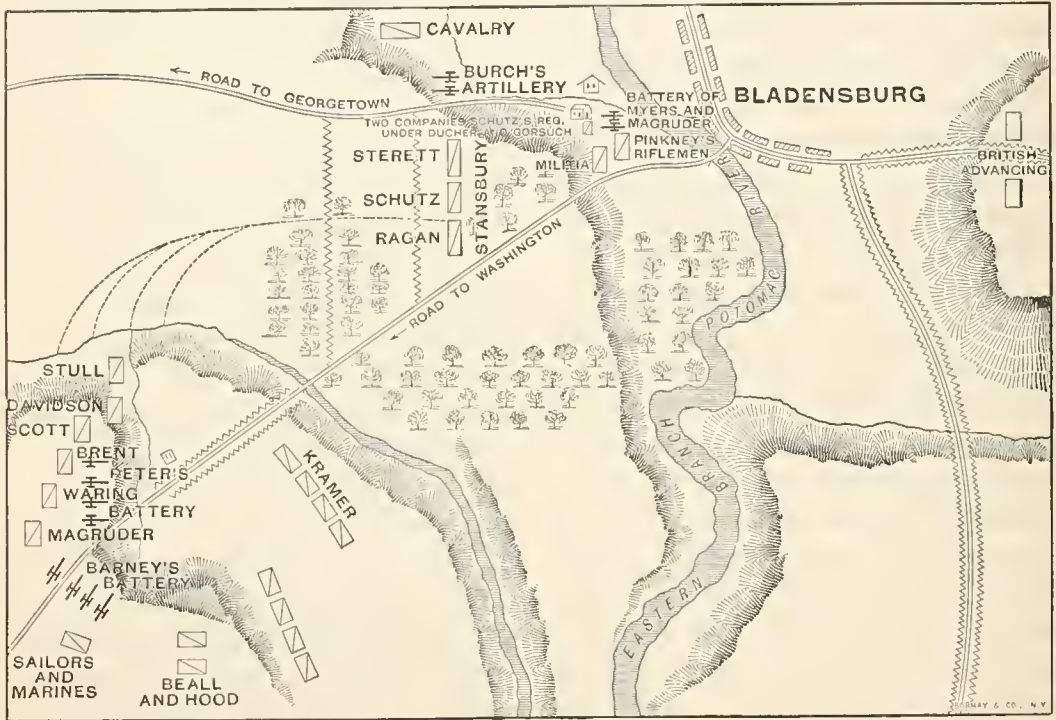
‡ *Ibid*, p. 561; Ingraham, *Events Preceding the Capture of Washington*, pp. 30-31; Lossing, *War of 1812*, pp. 926-928; Brackenridge, *History of the Late War*, p. 258.

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\* *American State Papers, Military Affairs*, vol. i., p. 557.

Long before all of Winder's troops had reached the western side of the stream the British troops had occupied the village on the other side. Unaware of the proximity of the British, the President with two or three of his Cabinet officers, considerably in advance of the troops, nearly rode

a moment a terrific discharge of artillery and musketry checked them; but they soon rallied and, accompanied in their attack by a volley of rockets, wheeled off to the right and left of the road, and quickly cleared the thicket of the American skirmishers.\* Almost instantly a portion of



across the bridge into the British line, but were warned by a volunteer scout.\* Shortly after noon the British light brigade, about 1,500 strong, under Colonel William Thornton, without waiting for the rear division, rushed over the bridge and made straight for the American centre. For

the American line gave way and fled in the utmost confusion. The second line, however, not only stood firm but, under a heavy fire, drove back the British skirmishers to the cover of the banks, with its trees and shrubs.† But now the second brigade of the British

\* Hunt, *Life of Madison*, p. 332; *American State Papers, Military Affairs*, vol. i., p. 596.

\* *American State Papers, Military Affairs*, vol. i., p. 529; Gleig, *Campaigns*, p. 122; Lossing, *War of 1812*, pp. 929-930.

† Lossing, *War of 1812*, p. 930.

had crossed and, having formed, advanced to the charge. The left flank of the American line was then turned, the whole line next wavered and broke and, with the exception of several strong corps, rushed from the field. First went Pinkney's Maryland riflemen, next went the artillerymen, who did not discharge their pieces more than once each, and then went the commands of Sterett, Ragan and Schutz, sweeping Madison, Stansbury and the Cabinet along in front.\*

Meanwhile Barney and his sailors had been left at the navy yard with orders to destroy the bridge in case of defeat, though this could have been done as easily by five men. But Barney remonstrated to Secretary Jones and was finally allowed to march toward Bladensburg.† On beholding the rout of the American army, Barney halted on the hillside about a mile from Bladensburg, placed his guns in position to sweep the main road and calmly waited for the enemy to attack. He reserved his fire until the enemy approached, when he ordered his 18-pounder to be fired, which completely

cleared the road.\* A second and third attempt were made by the enemy to come forward, but both attempts were repulsed.† They then crossed into an open field and attempted to flank Barney's right, but were met there by three 12-pounders and utterly cut up.‡ Such a battle, however, could not continue long, since there were but 400 men against 4,000. The British finally entered a ravine, filed off by the right and left and attacked Barney on both flanks. The troops under Beall stationed on Barney's right were expected to render Barney efficient aid, but they were quickly dispersed by the British, who soon began the attack on the sailors from the rear.¶ Even then they stood their ground, serving the guns with such quickness and precision that for half an hour every effort of the British to take the position was frustrated. At last, however, Barney fell seriously wounded, and as many of the gunners had been killed or severely wounded, and as the ammunition wagons had gone off in the disorder,§ the sailors retreated, leaving their guns and their leader with the British.¶

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\* *American State Papers, Military Affairs*, vol. i., pp. 529, 548, 558, 565, 570-571, 573, 584, 586; Williams, *Invasion and Capture of Washington*, chap. xii.; Adams, *United States*, vol. viii., pp. 137-142; McMaster, vol. iv., pp. 139-140; Brackenridge, *History of the Late War*, p. 259; Ingraham, *Events Preceding the Capture of Washington*, p. 32.

† *American State Papers, Military Affairs*, vol. i., p. 576. The naval defence and the service of the sailors at Bladensburg is noted in Roosevelt, *Naval War of 1812*, p. 317; Mrs. Barney, *Biographical Memoir of Commodore Barney*, chap. xvii.

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\* *American State Papers, Military Affairs*, vol. i., p. 529.

† *Ibid*, pp. 529, 579.

‡ *Ibid*, p. 530; Lossing, *War of 1812*, p. 930.

¶ Williams, *Invasion and Capture of Washington*, p. 233 et seq.; Lossing, *War of 1812*, p. 931.

§ *American State Papers, Military Affairs*, vol. i., pp. 530, 580.

\* Cooper, *Naval History*, vol. ii., pp. 136-137; Ingraham, *Events Preceding the Capture of Washington*, p. 33; Adams, *United States*, vol. viii., pp. 142-144; McMaster, vol. iv., p. 140.



By 4 o'clock not a vestige of the American army was in sight, and the British, overcome with fatigue, rested on the field for two hours. Though they had completely routed the American army, the victory had not been bought cheaply. General Ross officially reported his loss at 64 killed and 185 wounded,\* but other reports on the British side state that more than 500 were killed and wounded. The Americans reported a loss of 26 killed and 51 wounded.† Moreover, they had left many of their guns in the hands of the victor and were completely demoralized,‡ so much so, in fact, that they offered no further resistance to the British.||

At 6 o'clock, after a rest of two hours, the British resumed their march and about dark, encamped a

short distance east of the Capitol. Up to this time the raid had been conducted as an eminently proper military movement, but suddenly the British began to execute literally the orders given by Cochrane. The two wings of the Capitol were the only parts finished, but these were set afire and in the conflagration the Library of Congress and many valuable public documents were destroyed.\* Ross and Cockburn with about 200 men marched quietly along Pennsylvania Avenue to the President's house and set it afire also. The torch was next applied to the Treasury building. Before midnight the flames of the three great conflagrations made the whole country light, and from the distant hills of Maryland and Virginia the fleeing President and the members of the Cabinet caught glimpses of the ruin.† Numbers of cannon were destroyed, others were spiked and, together with large quantities of shot, shell, grenades and cartridges, were cast into the river.‡ The next morning, August 25, fresh detachments of troops continued the work of destruction. By noon the Departments of State and of War, the printing office of the *National Intelli-*

\* James, *Military Occurrences*, vol. ii., p. 290.

† Winder's official report (*American State Papers, Military Affairs*, vol. i., p. 530) estimates the loss at 30 killed and 50 wounded.

‡ For plans of the battle, see Wilkinson's *Memoirs*, Atlas nos. 16-17; these maps being the basis of those in James, *Military Occurrences*; Cullum, *Campaigns of the War of 1812 to 1815*, chap. vii.; Lossing, *War of 1812*, p. 929; *Narrative of the Battle of Bladensburg in a letter to Henry Banning, by an Officer of Gen. Smith's Staff*. Cf. *Magazine of American History* (December, 1885), p. 612.

|| At the first alarm the Secretary of the Navy issued orders to set afire the new sloop of war *Argus*, the new schooner *Lynx*, five barges, two gunboats, and the large frigate *Columbia*, just ready to be launched. This, together with large quantities of stores and machinery and the buildings containing them, were destroyed. See the statements in reference to the burning of the navy yard in *American State Papers, Naval Affairs*, vol. i., p. 360, also *Military Affairs*, vol. i., pp. 532, 576-579. The *Lynx*, however, was saved. See Williams, *Invasion and Capture of Washington*, p. 258.

\* Regarding the burning of the Capitol, see the comments from British newspapers, in Williams, *Invasion and Capture of Washington*, p. 254 *et seq.*

† See letter of Rush, July 10, 1855, in Williams, *Invasion and Capture of Washington*, p. 274 *et seq.*

‡ James, *Military Occurrences*, vol. ii., p. 293 *et seq.*, and app. lxii.-lxvii.; McMaster, vol. iv., p. 142-143; Adams, *United States*, vol. viii., pp. 144-145. See also Armstrong, *Notices of the War of 1812*, vol. ii., pp. 124-154.



*gencer*,\* the great bridge over the Potomac, two ropewalks near the navy yard and a tavern were in ruins. At the navy yard, such ships and stores as had been saved by the rain of the night before were again set afire.

The departure of the British was hastened by a terrific tornado which passed over the city shortly after noon. Leaving the Post Office, Patent Building and everything else marked out for destruction, the invaders, as soon as the storm had passed over, began preparations to retire. The wounded could not be removed and they were left in care of Commodore Barney and his fellow prisoners, who were paroled for this purpose. Leaving the camp fires burning, the British column, in silence, withdrew from the scene of devastation. Passing Bladensburg, where the dead were still unburied,† Ross marched all night until 7 o'clock Friday morning, when, exhausted with fatigue, the troops were allowed to rest. At noon they were again in motion and at nightfall had arrived at Upper Marlborough, where they reëmbarked to undertake similar schemes at other places.‡

\* Williams, *Invasion and Capture of Washington*, p. 263 *et seq.*

† Gleig, *Campaigns*, p. 146; Williams, *Invasion and Capture of Washington*, pp. 273, 275.

‡ McMaster, vol. iv., pp. 143-144; Adams, *United States*, vol. viii., pp. 147-148. On the battle of Bladensburg and the capture of Washington, the most important document is the Report of the investigating committee made by R. M. Johnson, chairman, November 29, 1814. George W. Campbell also made a report, January 2, 1815 (Cf. *American State Papers, Military*

As the British hurried away from Washington, a squadron of British war vessels under command of Captain John A. Gordon, of the *Sea Horse*, ascended the Potomac and approached Fort Washington. The presence of a British force, however small, had become so terrifying that the commander of the fort blew it up and fled to Alexandria, for which he was court martialled.\* On the 29th squadron reached Alexandria, and the town authorities, being now in the power of the enemy, determined to ask for terms. The insatiable avarice of Gordon and his men imposed the hardest conditions. All the merchandise then in the town, as well

*Affairs*, vol. i., pp. 524-599). There are some contemporary views in A. J. Dallas, *Exposition of the Character of the War*; Carey, *Olive Branch*, chap. viii.; *Memoirs and Letters of Dolly Madison*, chap. viii.; *An Enquiry respecting the Capture of Washington*, by Spectator (thought to be Armstrong). See also Cullum, *Campaigns of the War of 1812 to 1815*, chap. viii.; Cullum, *The Attack on Washington City in 1814*, in *Papers of the American Historical Association*, vol. ii., pp. 54-68 (1887); *Memoirs of Admiral Sir George Cockburn; Facts relating to the Capture of Washington*, by an officer serving as Quartermaster-general (General Sir De Lacy Evans); Laddy Bouchier, *Memoirs of the Life of Sir Edward Codrington* (London, 1873); *Capture of Washington by the English in 1814*, in *Genealogical Magazine*, vol. i., pp. 229-236 (London, 1897), and the references in Wilkinson's *Memoirs*, vol. i., chap. xvi.; *Autobiography of Charles Biddle*, p. 350; Dawson, *Battles of the United States*, vol. ii., p. 371; *Magazine of American History* (January, 1886), p. 85; *Harper's Magazine*, vol. xxviii., p. 433. See also Horatio King's paper in *Magazine of American History* (November, 1885) p. 438; and Gleig's reply in *ibid* (May, 1886), p. 508.

\* Lossing, *War of 1812*, pp. 938-939; *American State Papers, Military Affairs*, vol. i., pp. 533, 588-589.

as all that had been sent away for safety since the 19th, was to be put on board the shipping at the wharf; the citizens must give up all naval and military stores and all their ships and ship furniture, supply the fleet with food at market price and raise all the vessels they had sunk to prevent capture.\* Meanwhile preparations had been made to throw difficulties in the way of Captain Gordon's descent. Cannon planted on the bluffs and hills were fired at the British vessels as they passed and barges were sent against the fleet, but Gordon managed to escape and rejoined the fleet on September 9.†

During all this time the President and Secretaries had been traveling around the country hunting for each other and seeking safety. Finally, Madison returned to Washington, and, summoning his Secretaries, began the work of restoring government.‡ Houses were procured as quarters for the various departments and the work of reorganization went forward steadily. Secretary of War Armstrong had not yet arrived and Monroe was appointed Secretary *ad interim*. Monroe immediately prepared to de-

fend Georgetown, ordering some guns which were being placed on the Virginia shore to be removed to another position, but the colonel in charge of the work refused to obey and left the field.\* Thereupon the militia met and resolved that they would no longer serve under Armstrong. These resolutions were sent to Madison and, as Armstrong came into town about the same time, the President visited him and describing to him the violent prejudices which existed in the city, Armstrong offered to resign. Madison deprecated resignation and recommended temporary retirement. Accordingly, Armstrong left Washington the next morning, but upon reaching Baltimore sent his resignation to the President. At the same time, he announced his action in a letter to the public in which some remarks were made on the weakness of Madison's conduct.† Monroe then became Secretary of War and Madison invited Governor Tompkins, of New York, to become Secretary of State. Tompkins declined the offer, however, and Monroe continued to hold the

\* Braekenridge, *History of the Late War*, p. 262; Williams, *Invasion and Capture of Washington*, chap. xv.; Lossing, *War of 1812*, pp. 939-940; *American State Papers, Military Affairs*, vol. i., pp. 533, 591.

† McMaster, vol. iv., p. 147; Adams, *United States*, vol. viii., pp. 157-158; Cooper, *Naval History*, vol. ii., p. 138.

‡ For the movements of the President and the various Cabinet officers, see Adams, *United States*, vol. viii., pp. 149-156.

\* See the letter regarding this in Gilman, *James Monroe*, pp. 119-122.

† Ingraham, *Events Preceding the Capture of Washington*, App. pp. 58-60. See also T. L. McKenney, *Narrative of the Causes which led to General Armstrong's Resignation*; Koseiushko Armstrong, *Review of the Narrative, etc.* (New York, 1846); and his *Examination of McKenney's Reply* (New York, 1847); Madison's *Works* (Congress ed.), vol. iii., p. 424; *American State Papers, Military Affairs*, vol. i., p. 538; Hamilton's ed. of *Monroe's Writings*, vol. v., p. 293; Williams, *Invasion and Capture of Washington*, chaps. vi.-vii.

State and War portfolios for almost a year.\*

The practice of the highest officers in directing the actual operation of setting afire the public and private property cost the British navy a life more valuable than all the property it could destroy. To divert attention from the general movement of troops and ships on the Potomac, the *Mene-la-us*, commanded by Sir Peter Parker, had been sent up Chesapeake Bay. After he had taken position off the Sassafras River, Parker learned that 200 militia had encamped at Moorefields, about a half mile from the eastern shore of Maryland, with the intention of crossing the bay to protect Baltimore. Toward midnight of August 30 Parker landed with 124 men and went in search of the militia, hoping to surprise them.† In this he was disappointed, for, having learned of the approach of the barges, the militia were prepared. On approaching within 70 yards, the British were received with a heavy fire. Parker endeavored to press forward on the centre of the line, but, foiled in this, threw himself on the flank. While cheering on his men in the moonlight, Parker was struck by a buckshot which severed a femoral artery. The British thereupon retreated and carried Parker back to the ship, but

he died before reaching it. The British escaped with a loss of 13 killed and 27 wounded.\*

The British now determined to attack Baltimore. After Gordon had rejoined the fleet, the vessels, under a great press of canvas, ran for the mouth of the Patapsco. Meanwhile the inhabitants of Baltimore, under the leadership of the mayor, had set to work vigorously to strengthen the defences of the city. After the capture of Washington, the citizens toiled still more earnestly at their task and finally succeeded in throwing up a formidable line of redoubts which, though not wholly finished, gave cover to the militia.‡ The militia came in from the interior of the State and from Pennsylvania and Virginia, and Commodore Rodgers of the navy with his marines took possession of the heavy batteries.‡ The approach to the city by water was defended by Fort McHenry and garrisoned by about 1,000 regular troops, sailors, and volunteer artillerists under the command of Lieutenant-Colonel George Armistead.¶ To the right of Fort McHenry on the Patapsco, two

\* Adams, *United States*, vol. viii., pp. 158-163; McMaster, vol. iv., pp. 146-147. See also Hunt, *Life of Madison*, p. 334; Adams, *Lives of Madison and Monroe*, p. 183.

† Brackenridge (*History of the Late War*, p. 263) says 250 men.

\* Adams, *United States*, vol. viii., pp. 164-165. See also Sir George Dallas, *Biographical Memoir of Sir Peter Parker, Killed while storming the American Camp at Bellair, August 31, 1814* (London, 1816); Lossing, *War of 1812*, pp. 945-946.

‡ *The South in the Building of the Nation*, vol. i., p. 193; *The Citizen Soldiers at North Point and Fort McHenry, September 12-13, 1814* (1814).

‡ Brackenridge, *History of the Late War*, pp. 265-266.

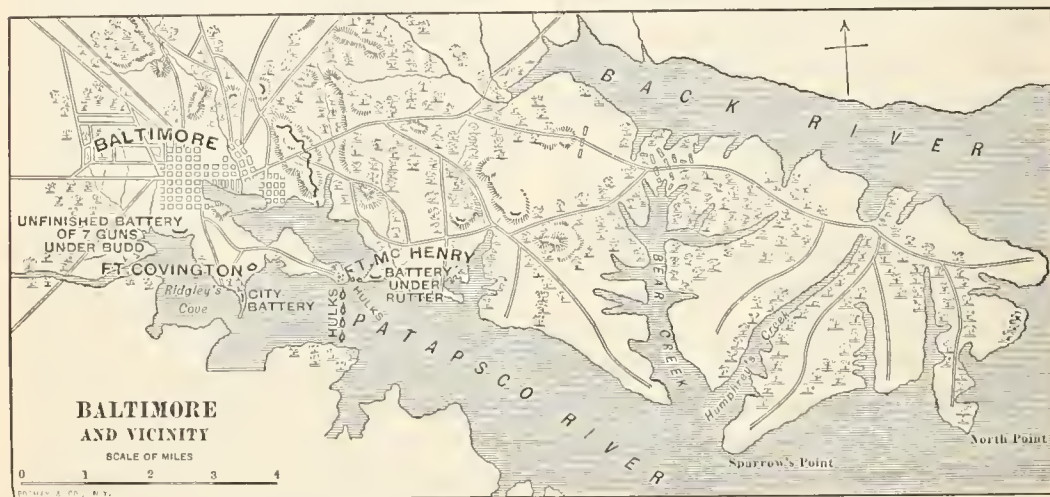
¶ *American State Papers, Military Affairs*, vol. i., p. 591.



batteries were erected to prevent the enemy from landing during the night in the rear of the town. These were named Fort Covington (manned by seamen under Lieutenant Newcomb) and the City (or Babcock) Battery (manned by Barney's sailors under John A. Webster).\* The number of troops in the city, according to official reports, was 13,888 officers and men,

under the command of Brigadier-General John Stricker.\*

On September 11 the fleet under Admiral Cochrane appeared off the mouth of the Patapsco and the next day the troops under General Ross landed and took up their march for the city.† The number of Ross' troops is variously stated from 3,270 rank and file to more than 5,000.‡



whereas the British numbered not more than 5,000. The general commanding at Baltimore was Senator Samuel Smith. A brigade of Virginia volunteers and the regular troops were assigned to General Winder, who had left Washington on the night of August 26 to take command of the defences of Baltimore. Smith refused to relinquish the supreme command and Winder was compelled to content himself with the command of the regular troops. The brigade was

The British troops proceeded about five miles without meeting resistance. At the same time several of the lighter vessels were ordered to ascend the river to coöperate with the troops in the capture of Fort McHenry. On receiving intelligence of the landing of the British, General Smith detached a brigade consisting of 3,200

\* Adams, *United States*, vol. viii., pp. 166-168.

† Gleig, *Campaigns*, p. 170 *et seq.*

‡ See Gleig, *Campaigns*, pp. 174-175; James, vol. ii., pp. 313-314. Lossing (*War of 1812*, p. 950) says the British force consisted of 5,000 land troops, 2,000 marines, and 2,000 seamen.

\* Lossing, *War of 1812*, p. 949.



raw troops under General Stricker to check the British advance. The battle of Bladensburg evidently had taught no lesson, for with that body of raw militia, a part of whom had been routed but a fortnight before, Stricker attempted to fight a battle with 5,000 British veterans.\* The outposts fell back as the British advanced, and 400 men were sent forward by Stricker as skirmishers. The latter fired as the British advance-guard came up, but they, too, were soon driven back. At this time Ross and Cockburn were foolishly far in advance of their troops directing the operations, and Ross paid for his recklessness with his life.† Colonel Arthur Broke immediately took command, and a spirited action ensued. The artillery on both sides, the rifles of the Americans, and the British rockets did great execution, but as one regiment became panic-stricken, and as the British force overlapped and outflanked the Americans, General Stricker, after a gallant resistance, was compelled to retire before the enemy.‡ The American loss was 24 killed, 139 wounded, and 50 prisoners; that of the British, 46 killed and 273 wounded.¶ The next

morning (September 13) the march was resumed. When Broke gained a full view of the position occupied by the Americans, he realized the futility of attacking such works in broad daylight. Accordingly he made arrangements to storm the works at night, after the fleet had silenced the river fort on the left flank.\*

All day long the British fleet had been vainly bombarding the forts and batteries commanding the harbor. About sunrise on the 13th, 16 ships approached within  $2\frac{1}{2}$  miles of the fort, and the assault was begun by five bomb vessels from a distance of two miles. Being out of range of the guns of the fort, these vessels maintained an incessant bombardment; but, though the bombs and rockets fell in and about the fort, the garrison maintained its position.† The heavier British ships feared to approach within range owing to the shallowness of the river and a barrier of sunken vessels covered by the guns on shore.‡ Some of the lighter vessels did approach, but the tremendous fire from the forts compelled them to retire within a half-hour.¶ During the night, while the enemy on land was retreating, two or three rocket vessels and barges succeeded in getting up the ferry branch, but were soon compelled to retire by the fire from Fort Cov-

\* For details as to the formation of the troops, see Lossing, *War of 1812*, pp. 950-951.

† Gleig, *Campaigns*, pp. 177-178; Adams, *United States*, vol. viii., pp. 168-170; McMaster, vol. iv., pp. 147-148.

‡ Lossing, *War of 1812*, pp. 951-954; Gleig, *Campaigns*, pp. 179-185.

¶ Adams, vol. viii., pp. 170-171; James, *Military Occurrences*, vol. ii., p. 308 et seq.; Brackenridge, *History of the Late War*, pp. 267-270. See also *The Citizen Soldiers at North Point and Fort M'Henry, September 12-13, 1814*.

\* Gleig, *Campaigns*, p. 192. See also *The Citizen Soldiers at North Point and Fort M'Henry, September 12-13, 1814*.

† Lossing, *War of 1812*, p. 955.

‡ Cooper, *Naval History*, vol. ii., p. 139.

¶ Lossing, *War of 1812*, pp. 955-956.

ington and the City Battery. Two of the barges were destroyed by the fire.\* Though 1,500 shells had been thrown, the fort had sustained comparatively little injury† and but 4 men had been killed and 24 wounded. Admiral Cochrane and Colonel Broke then decided that the capture of the town was not worth further effort, especially in view of the certain loss to be sustained in storming the heights.‡ Accordingly the army retreated. The fleet returned to the lower Chesapeake and on September 19 Admiral Cochrane sailed for Halifax to prepare for a new expedition. The troops remained on their transports in the bay until October 14, when they sailed for Jamaica.||

Though the blockade was strict, American naval officers made several attempts to run it. As we have seen, the squadron under Commodore De-

catatur in the harbor of New London had found it impossible to escape. Accordingly the *United States* and the *Macedonian* were moved up the Thames above New London and in April of 1814, were dismantled.\* Decatur and his officers and crew were soon afterward transferred to the *President*, then at New York, and the commodore got busy preparing for the defence of that city. At New York a squadron had been formed consisting of the *President* under Decatur, the *Peacock* (new) under Lewis Warrington, and the *Hornet* under James Biddle. These vessels, together with a store-ship, were ready for sea with orders to cruise in West Indian waters.† As New York was closely blockaded, Decatur determined to leave the harbor with the *President* alone. Accordingly, having appointed a place of rendezvous for the other vessels, Decatur, on January 14, 1815, in a severe snowstorm and a strong gale blowing off shore, weighed anchor and stood down the bay. The wind having driven the blockading fleet out of sight, Decatur determined to make for the open. Through a mistake of the pilot, the *President* grounded while crossing the bar, where she remained for an hour or more beating heavily until the tide and the strong wind forced her across. As it was impossible to return, the *President* was obliged to proceed de-

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\* James, *Military Occurrences*, vol. ii., p. 322 *et seq.*; Lossing, *War of 1812*, p. 956.

† It was during this bombardment that Francis Scott Key, who had gone aboard the admiral's ship to obtain the release of some friends, wrote the *Star Spangled Banner*. He was detained aboard the ship and was an involuntary spectator of the assault on the fort. He had watched the flag on the fort throughout the day until night hid it from view. During the long hours that followed he endeavored to see by the glare of the bursting shells and rockets if the flag still flew. When at dawn he saw it still floating in the breeze he composed the song under the impulse of poetic fever. (Ingersoll, *History of the Second War*, vol. ii., p. 244.)

‡ Gleig, *Campaigns*, pp. 196-198.

|| Adams, *United States*, vol. vii., pp. 171-173; McMaster, vol. iv., p. 148; Brackenridge, *History of the Late War*, pp. 270-273; Scharf, *History of Maryland*, vol. iii., pp. 99-137.

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\* Waldo, *Life of Decatur*, p. 247.

† Cooper, *Naval History*, vol. ii., p. 235.

spite her injuries.\* Keeping close to the Long Island shore, Decatur ran along some 50 miles when, thinking that he had evaded the blockading squadron, he changed his course to the southeast,† and at early dawn ran into the blockading squadron, under John Hayes consisting of the *Majestic*, 56, the *Endymion*, 50, the *Pomone* and *Tenedos*, 38's.‡ The British ships promptly made chase, but the *Endymion*, proving the fastest sailer of the four, soon left the others in the rear and by 2.30 o'clock in the afternoon had gained so much on the *President* as to begin an exchange of shot from her bow chasers with the stern guns of the *President*.|| At 5 o'clock the wind fell off and the *Endymion*, slowly creeping up on the *President's* starboard quarter, let go her broadside guns and commenced close action within half point-blank shot.§ After enduring the fire of the *Endymion* for a half hour without replying, Decatur suffered so severely in his rigging that he resolved to lay

himself alongside the *Endymion*, capture her by boarding, and then, scuttling his own ship, to escape on the swifter sailing British frigate.\* But the British captain avoided the risk, and, yawing his ship, preserved the advantage he had gained by a fire at half gun-shot range.† The battle lasted until 8 o'clock, when the *Endymion*, reduced almost to a wreck, fell astern and Decatur hoped that he might effect his escape in the night.‡ Resuming the course he had followed in order to avoid the squadron, he made every effort to escape, but the clouds which had previously obscured the moon passed over and his ship was revealed to the enemy.|| At 11 o'clock the *Pomone* and *Tenedos* came up and the former opened fire on the larboard bow within musket-shot, while the latter took a raking position on the quarter of the *President*.§ “Thus situated,” says Decatur, “with about one-fifth of my crew killed and wounded, my ship crippled, and more than four-fold force opposed to me without a chance of escape left, I deemed it my duty to surrender. It is with emotions of pride I bear testimony to the gallantry and steadiness of every officer and man I had the honor to command on this occa-

\* Cooper, *Naval History*, vol. ii., pp. 235-236; Maclay, *History of the Navy*, vol. ii., pp. 64-65; Brady, *Life of Decatur*, pp. 89-91.

† Roosevelt, *Naval War of 1812*, p. 402.

‡ Brady, *Life of Decatur*, p. 91; Lossing, *War of 1812*, pp. 987-988.

|| Cooper, vol. ii., p. 236; Roosevelt, p. 402.

§ According to British accounts, the *Endymion* carried 26 long 24's, 22 32-pound carronades, and 2 long brass 18-pounders; the *President* 30 long 24's, and 20 32's. See Adams, *United States*, vol. ix., pp. 64-65. According to Maclay (*History of the Navy*, vol. ii., pp. 72-73), the *President* carried 30 long 24's and 22 short 42's, throwing 765 pounds to the broadside; the *Endymion* 30 long 24's and 20 short 32's, throwing 680 pounds.

\* Brady, *Life of Decatur*, p. 95.

† Roosevelt, *Naval War of 1812*, p. 403; Maclay, *History of the Navy*, vol. ii., pp. 66-68; Lossing, *War of 1812*, p. 988.

‡ Cooper, *Naval History*, vol. ii., pp. 237; Brady, *Life of Decatur*, pp. 96-100.

|| Maclay, *History of the Navy*, vol. ii., p. 69.

§ Roosevelt, *Naval War of 1812*, p. 404; Cooper, *Naval History*, vol. ii., pp. 237-238.



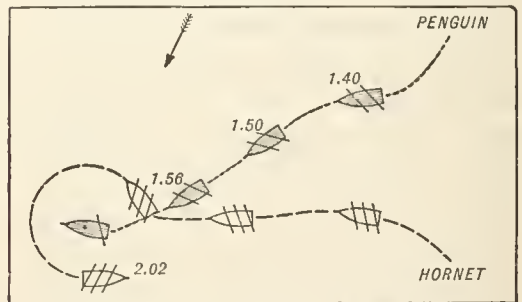
sion; and I feel satisfied that the fact of their having beaten a force equal to themselves, in the presence and almost under the guns of so vastly superior a force, when, too, it was almost self-evident that whatever their exertions might be, they must ultimately be captured, will be taken as evidence of what they would have performed had the force opposed to them been in any degree equal."

The loss on board the *President* was 25 killed and 60 wounded;\* on the *Endymion* 11 killed and 14 wounded. The masts of both ships were considerably damaged, but of the two the *President* was the most severely damaged. It is impossible to believe that if Decatur, in accordance with the popular conception of his character, had been less eager to escape and more ready to fight and had displayed the spirit and energy which distinguished him in the battle with the *Macedonian*, he would have caused the British greater trouble in capturing him and at least would not have surrendered to the *Pomone* without firing a shot.†

\* Cooper says 24 and 56 (*Naval History*, vol. ii., p. 238), as does Maclay (*History of the Navy*, vol. ii., p. 70), while Roosevelt (*Naval War of 1812*, p. 405) says 24 and 55.

† Adams, *United States*, vol. ix., pp. 65-70; MacKenzie, *Life of Stephen Decatur*, pp. 207-233; McMaster, vol. iv., pp. 252-254; Dawson, *Battles of the United States*, vol. ii., p. 420; James, *Naval History*, vol. vi., p. 239; Barnes, *Naval Actions of the War of 1812*, pp. 219-227; Waldo, *Life of Decatur*, chap. xi.; Bowen, *Naval Monument*, pp. 158-174; Spears, *History of Our Navy*, vol. iii., pp. 215-228; Mahan, *War of 1812*, vol. ii., p. 397 *et seq.*; Frost, *Book of the Navy*, chap. xviii.; James, *Naval Actions*, pp. 82-94.

The *Peacock* and the *Hornet* did not linger long at New York, but on January 22 crossed the bar in a gale of wind and made for the sea without being aware that the British fleet had made directly for Tristan d'Acunha, the place of rendezvous.\* The *Hornet* arrived there on the morning of March 23, 1815, but before she had come to anchor Captain James Biddle sighted the British sloop of war *Penguin*. He immediately made chase and the two were soon alongside, for Captain James Dickinson of the *Penguin* was never loathe to fight. The British vessel was nearly the same size as the *Hornet* and threw the same weight of metal, but was a little inferior in the number of her crew.



ACTION BETWEEN THE PENGUIN AND HORNET.  
Reproduced by permission from Roosevelt's *Naval War of 1812* (G. P. Putnam's Sons).

The *Hornet* carried 18 short 32-pound carronades and 2 long 12-pounders, throwing 279 pounds of metal; the *Penguin* carried 16 short 32-pound carronades, 2 long guns variously reported as 12-and 16-pounders, and a 12-pound carronade, throwing 274 pounds of metal.† Dickinson evi-

\* Roosevelt, *Naval War of 1812*, pp. 427-428.

† Maclay, *History of the Navy*, vol. ii., pp. 74-75.



dently did not fear a combat with the *Hornet* and brushed up alongside, firing a gun in defiance. So superior was the gunnery of the Americans, however, that, after a furious conflict of 22 minutes at close quarters, the *Penguin* was a complete wreck—her foremast and bowsprit gone, her captain killed, and 38 of her crew killed or wounded. So much injured was she that soon afterward she was scuttled by her captors and sunk.\* The *Hornet*, though not struck in the hull, was completely cut up in rigging and spars, but suffered a loss of only 2 killed and 9 wounded.†

After the capture of the *Penguin*, the *Hornet* waited for the *Peacock* and the two continued the cruise until April 27, when they chased a strange ship which proved to be the British 74-gun ship of the line *Cornwallis*. Biddle thereupon made up to wind-

ward, with the *Cornwallis* in hot pursuit. The *Peacock*, being a fast sailer, easily escaped, but the *Hornet* was not so fortunate and at daylight of the 29th the *Cornwallis* was within gunshot of her lee quarter.\* Realizing that his only hope of escape lay in lightening his ship, Biddle threw over much of his shot, the anchor and cables, the launch, all of his guns save a long one, all the spars, and every heavy article on the ship.† Then the *Hornet* slowly began to draw away, and, as the wind fortunately changed, succeeded in escaping to San Salvador, where on June 9, 1815, Biddle heard the news of peace. On July 30 he reached New York and was warmly praised for his gallantry and admirable seamanship.‡

Meanwhile Captain Warrington in the *Peacock* continued his course to the Indian Ocean and captured a number of prizes, but on June 30, while in the Straits of Sunda, he encountered the *Nautilus*, 14, a cruiser of the British East India Company. The captain of the latter hailed the *Peacock* and announced peace, but as Warrington had no knowledge of this and as he thought it might be a ruse, he

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\* Biddle's report in *American State Papers, Naval Affairs*, vol. i., p. 377.

† Adams, *United States*, vol. ix., pp. 71-72; Barnes, *Naval Actions of the War of 1812*, pp. 245-252; McMaster, vol. iv., p. 277; *Autobiography of Charles Biddle*, app., p. 397; Dawson, *Battles of the United States*, vol. ii., p. 424; James, *Naval History*, vol. vi., p. 261; Hill, *Twenty-Six Historic Ships*, pp. 68-70, and *Romance of the American Navy*, pp. 151-154; Clark, *Short History of the Navy*, pp. 158-159; Bowen, *Naval Monument*, pp. 186-192; Spears, *History of Our Navy*, vol. iii., pp. 270-282; Frost, *Book of the Navy*, chap. xix.; James, *Naval Actions*, pp. 57-58. Cooper (*Naval History*, vol. ii., p. 239) gives the British loss as 14 killed and 28 wounded, as does Roosevelt (*Naval War of 1812*, p. 439), and the American loss as one killed and 10 wounded. Maclay gives the British loss as 10 killed and 28 wounded. A facsimile of the medal awarded Biddle is in Lossing, *War of 1812*, p. 991.

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\* Cooper, *Naval History*, vol. ii., p. 242.

† Lossing, *War of 1812*, p. 992.

‡ Cooper, *Naval History*, vol. ii., pp. 242-243; Maclay, *History of the Navy*, vol. ii., pp. 76-80; Adams, *United States*, vol. ix., pp. 72-73; McMaster, vol. iv., pp. 277-278; Barnes, *Naval Actions of the War of 1812*, pp. 255-263; Roosevelt, *Naval War of 1812*, pp. 432-435; Hill, *Twenty-Six Historic Ships*, pp. 71-73; Bowen, *Naval Monument*, pp. 192-200; Spears, *History of Our Navy*, vol. iii., pp. 282-284.

ordered the British commander to strike his colors in token of peace, if it had been declared, adding that if he did not do it, he should fire into him. The British commander refused to strike his colors, whereupon Warrington nearly destroyed the ship by a broadside, killing 6 and wounding 8 of her crew. The next day the *Nautilus* was given up, as Warrington was informed that the treaty of peace had been ratified and that the period set for the termination of hostilities had passed.\*

The only other Government ship at sea after peace was signed was the *Constitution*, which slipped out of Boston on December 17, 1814, under command of Captain Charles Stewart. He began a cruise between Gibraltar and Madeira and, after capturing some prizes in the vicinity of Lisbon, discovered two sail on February 20 about 60 miles from Madeira.† They proved to be the ship-rigged sloops of war *Cyane* and *Levant*. The *Cyane* was 118 feet long and 32 feet broad, carried 33 guns and a complement of 185 men. The *Levant* was considerably smaller than the *Cyane*, mounting only 21 guns and having a crew of 135. Both together were much inferior to the *Constitution*, which, by remaining at long range, could sink

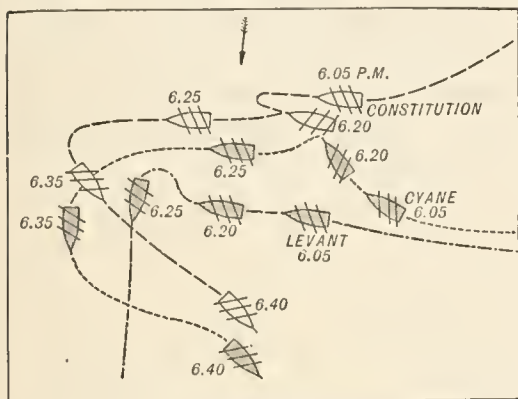
them without receiving a shot in return. The *Constitution* carried 32 long 24-pounders, while both the British ships had only 4 long 9-pounders. The *Constitution* carried 450 men, over 100 more than the two British ships together.\* It was expected that the British ships would attempt to escape, but Captain George Douglass of the *Levant* resolved, instead, to engage the *Constitution* in the hope of preventing the capture of two valuable convoys which had set sail from Gibraltar at about the same time as the *Levant* and *Cyane*. Though Douglass knew the relative strength of the ships, he attempted to disable the *Constitution* and made a most spirited and stubborn resistance. At 6 o'clock the *Constitution* opened with her broadsides on the *Cyane*, the sternmost, the *Levant* being a half cable-length ahead. Both ships returned her fire with great spirit for about 15 minutes, when the ships were enveloped in smoke. The *Constitution* then ceased firing until the smoke could clear away, when she found the *Levant* dead to leeward on the port beam and the *Cyane* luffing up to bring

\* Cooper, *Naval History*, vol. ii., p. 243; Roosevelt, *Naval War of 1812*, pp. 435-437; Maclay, *History of the Navy*, vol. ii., pp. 80-81; Adams, *United States*, vol. ix., p. 73; McMaster, vol. iv., p. 278; Spears, *History of Our Navy*, vol. iii., pp. 284-286.

† Cooper, *Naval History*, vol. ii., p. 229.

\* Maclay (*History of the Navy*, vol. ii., pp. 53-54) gives these statistics as follows: *Constitution*, 31 long 24's and 20 short 32's, throwing 644 pounds to the broadside; *Cyane*, 22 32's on the main-deck, 8 18's on the quarter-deck, 2 18's and 2 long 9's on the fore-castle, throwing altogether 451 pounds; *Levant*, 18 32's, 2 long 9's, and 1 12, throwing 303 pounds; thus giving the British a total of 754 pounds. Roosevelt (*Naval War of 1812*, p. 420) gives the *Constitution* 704 pounds and the two British ships 763 pounds to the broadside.

her carronades to bear.\* But she was already cut to pieces and only made matters worse by closing. The *Constitution* then poured another broadside into the *Levant* and dropped astern abreast of the *Cyane*, when the



ACTION BETWEEN THE CONSTITUTION, CYANE AND LEVANT.

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action was continued with spirit and considerable effect until 6.35.† The enemy's fire then began to slacken. After receiving two stern raking fires, the *Levant* bore up at 6.45 and began to repair damages. The *Cyane* had now become unmanageable and at 6.50 surrendered.‡ The *Constitution* then went after the *Levant*, which was in sight to leeward. Instead of running away, the *Levant* stood directly for the *Constitution*, and, ranging alongside, fired a broadside into her. As

the two ships passed on opposite tacks, the *Constitution* fired a broadside in return, whereupon the *Levant* attempted to escape, but at 10 o'clock, after a long chase, she was finally compelled to surrender.\* The *Cyane* lost 12 killed and 26 wounded, whereas the *Constitution* lost 3 killed and 12 wounded. The *Levant* lost 23 killed and 16 wounded.† The next morning Stewart sailed with his two prizes to the Cape Verde Islands and on the evening of March 10 anchored in the harbor of Porto Praya on the island of Jago.

On the morning of the 11th, while lying in port, Stewart descried three British frigates (the *Leander*, 50, the *Newcastle*, 50, and the *Acasta*, 40) off the harbor, and as he had no confidence for British respect for neutral waters, he immediately cut his cables, signalled his prizes to follow, and set sail.‡ As he expected, the three frigates made chase. After a run of a half-hour, Stewart realized that the *Cyane* could not keep up and was fast dropping astern. As she was to leeward, Stewart signalled her at 1.10 to tack ship in the hope that she might escape, if not pursued, or return to

\* Roosevelt, *Naval War of 1812*, pp. 418-419; *American State Papers, Naval Affairs*, vol. i., p. 407; Cooper, *Naval History*, vol. ii., p. 230.

† Maclay, *History of the Navy*, vol. ii., pp. 50-51.

‡ Roosevelt, *Naval War of 1812*, p. 419; *American State Papers, Naval Affairs*, vol. i., p. 407; Maclay, p. 52; Lossing, *War of 1812*, p. 984.

\* *American State Papers, Naval Affairs*, vol. i., p. 407; Maclay, pp. 52-53.

† Cooper, *Naval History*, vol. ii., pp. 230-232. Maclay says there were 4 killed and 10 wounded aboard the *Constitution*; Roosevelt (p. 420) says the *Levant* lost 7 killed and 16 wounded.

‡ Cooper, *Naval History*, vol. ii., pp. 232-233; Lossing, *War of 1812*, pp. 984-985.



Porto Praya.\* Stewart had hoped that one of the British ships would follow the *Cyane*, but, to his amazement, they paid no attention to her, continuing their pursuit of the *Constitution* and *Levant*.† At 3 o'clock the *Levant* was falling behind and was, in turn, ordered to tack and make off. When the *Levant* had done this, the whole British squadron immediately abandoned pursuit of the *Constitution*

and followed the *Levant* to Porto Praya, where they seized her under the very guns of the Portuguese batteries.\* Meanwhile, sailing westward, Stewart reached the coast of Brazil and, learning that peace had been concluded, started for the United States, anchoring in New York harbor on May 10 without further accident. The *Cyane* reached the United States in safety.†

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## CHAPTER XXIII.

1813-1814.

### INTERNAL AFFAIRS: THE HARTFORD CONVENTION.

Effects of the blockade — Speculation in commodities — Madison's messages — Enactment of the last Embargo — The repeal of the Embargo — Debate on the army bills — Struggle with the finances — Convening of the special session of Congress — Purchase of Jefferson's library — Campbell's report on the finances — Debate on the bank schemes — Debate on the conscription bill — Expectations of disunion — Pickering's schemes — Action of Massachusetts — Proceedings of the Hartford Convention.

Badly as the United States had fared in the campaign of 1813, their situation would have been comparatively comfortable, had not the whole seaboard begun to suffer the consequences of a stringent blockade. From the time Admiral Warren issued his blockade proclamation, nothing but swift privateers or occasional fast-sailing vessels entered and left the ports, with the exception of those of New England, which were open to neutrals. Toward the end of 1813

Warren extended his blockade eastward, closing Long Island Sound to all vessels of any description. The pressure of the blockade was felt im-

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\* *American State Papers, Naval Affairs*, vol. i., p. 406; Cooper, vol. ii., p. 234; Maclay, pp. 59-63; Roosevelt, pp. 425-427.

† Hollis, *The Frigate Constitution*, pp. 196-215; Mahan, *War of 1812*, vol. ii., p. 404 *et seq.*; Adams, *United States*, vol. ix., pp. 74-79; McMaster, vol. iv., pp. 278-279; Dawson, *Battles of the United States*, vol. ii., p. 422; James, *Naval History*, vol. vi., p. 249; Barnes, *Naval Actions of the War of 1812*, pp. 231-241; Hill, *Twenty-Six Historic Ships*, pp. 170-175, and *Romance of the American Navy*, pp. 114-117; Bowen, *Naval Monument*, pp. 174-186; Spears, *History of Our Navy*, vol. iii., pp. 241-269; Frost, *Book of the Navy*, chap. xx.; James, *Naval Actions*, pp. 51-56. A facsimile of the medal awarded Stewart is in Lossing, *War of 1812*, p. 986.

\* *American State Papers, Naval Affairs*, vol. i., p. 406; Roosevelt, *Naval War of 1812*, pp. 424-425.

† Maclay, *History of the Navy*, vol. ii., pp. 56-59; Cooper, vol. ii., p. 233.



mediately. In August of 1813 flour had sold at Boston for \$11.87 a barrel, at Baltimore for \$6, and at Richmond for \$4.50; upland cotton sold at Boston for \$.20 a pound and at Charleston for \$.09; sugar sold at Boston for \$18.75 per hundred-weight and at Baltimore for \$26.50; and rice sold at Philadelphia for \$12 a hundred-weight and in Charleston and Savannah for \$3. At the end of the year cotton, which had previously sold for \$.21, now sold for \$.38 a pound; tea, which could be bought in August for \$1.70 per pound, sold in December for \$3; and sugar, which sold at New York and Philadelphia at about \$21 in August, stood at \$40 in December; at Charleston flour rose to \$19 a barrel; and at Baltimore coal, which had sold at \$.33 a bushel, now brought \$.75. At New York the people were deprived of New England fish and were compelled to be content with club and mackerel obtained in the Sound.\* A speculative fever swept the country and all with cash to spare bought merchandise for speculation. This greatly angered most of the people, who were willing to pay high prices if such resulted from the war with England, but resented the use of the Embargo, a measure intended to injure England, to hurt and plunder the people of the United States.

The high prices were due partly to the laying of an embargo by the Thirteenth Congress, which had com-

menced its second session December 6, 1813. The next day in his annual message the President expressed his regret at the failure of the efforts to negotiate a peace by the mediation of Russia; spoke of the recent successes of the navy, of the victories won by Harrison and Johnson, of Jackson's conduct of the Creek War, etc. The Treasury showed \$7,000,000 on hand out of the receipts of the preceding year amounting to more than \$37,500,000, of which \$24,000,000 had come from loans.\* The President said that a considerable sum would be needed during the ensuing year and "from the increased capital of the country, from the fidelity with which public engagements have been kept and the public credit maintained, it may be expected, on good grounds, that the necessary supplies will not be wanting."†

The war certainly had not thus far strengthened the Union. Though the elections in the Middle States had shown that the war had a certain degree of popularity, there was a growing feeling in the Eastern States against it. The evidences of discontent in the Eastern States were striking. A month before the President submitted his annual message, the governor of Vermont, by a proclama-

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\* See also the report of the acting Secretary of the Treasury, submitted January 10, 1814. *American State Papers, Finance*, vol. ii., p. 651.

† Richardson, *Messages and Papers*, vol. i., pp. 534-540; *Annals of Congress*, 13th Congress, 2d session, pp. 538-544; Benton, *Abridgment*, vol. v., pp. 75-78.

\* Adams, *United States*, vol. vii., pp. 263-264; McMaster, vol. iv., pp. 217-218.

tion dated November 10, had recalled the State militia from National service, saying that he could not conscientiously discharge the trust reposed in him by his fellow-citizens and by the State and National constitutions without declaring that the military strength and resources of the State must be reserved exclusively for its own defence and protection, save in cases provided for in the National Constitution. Again, the smuggling across the border from the Eastern States to Canada was notorious, and the Federalist press of Massachusetts, under the stimulus of French reverses and Russian and English successes in Europe, began to discuss the idea of withdrawing the State from all share in the war and making a separate arrangement with England.\*

On December 9 Madison sent a special message to Congress recommending:

"That an effectual embargo on exports be immediately enacted.

"That all articles known to be derived, either not at all or in any immaterial degree only, from the production of any other country than Great Britain, and particularly the extensive articles made of wool and cotton materials, and ardent spirits made from the cane, be expressly and absolutely prohibited, from whatever port or place or in whatever vessels the same may be brought into the United States, and that all violations of the non-importation act be subject to adequate penalties.

"That among the proofs of the neutral and national character of foreign cargoes it be required that the masters and supercargoes and three-fourths at least of the crews be citizens or subjects of the country under whose flag the vessels sail.

"That all persons concerned in collusive captures by the enemy or in ransoming vessels or their cargoes from the enemy be subject to adequate penalties."\*

That such a course could harm England at all was preposterous, for the ports of Russia, Prussia, Denmark, Sweden, Spain, and South America were open to her commerce, and the shutting of the few American ports still unblockaded could not discommodate her for a moment. These unblockaded ports were in New England, and the Republicans could not bear the sight of Boston and Salem enjoying a lucrative trade while Philadelphia and Baltimore were entirely shut off from commercial intercourse. Therefore the President recommended the Embargo. Whatever may have been the motives of the President in recommending it, Congress instantly approved the measure. On December 10 the House went into secret session and, after two days of debate, passed an Embargo Act by a vote of 85 to 57. The Senate, though less hasty, also acquiesced in the President's recommendations and by a vote of 20 to 14 on December 17, 1813, passed the act which was signed the same day by the President.† The act laid an embargo on all ships and vessels cleared or not cleared within

\* Richardson, *Messages and Papers*, vol. i., pp. 540-541; *Annals of Congress*, 13th Congress, 2d session, pp. 549-550; Benton, *Abridgment*, vol. v., pp. 78-79.

† See *Annals of Congress*, 13th Congress, 2d session, pp. 551-562, 2032-2059; Benton, *Abridgment*, vol. v., pp. 79-80. For text see *Annals*, pp. 2781-2788.

\* Adams, *United States*, vol. vii., pp. 365-367.

the limits of the jurisdiction of the United States, to continue until January 1, 1815, unless hostilities should cease in the meantime and unless each one of the officers of these ships and each one of its crew were subjects of a nation in amity with the United States.\*

Besides the Embargo, Madison had recommended the enactment of laws prohibiting collusive captures, ransoming vessels captured by the enemy, and interference by the courts as well as the introduction of British cottons, woolens, and spirits. A bill in accordance with the last recommendation was reported to the Senate on December 30,† but that body waited until January 27 before taking the matter under consideration, and four days later passed the bill by a vote of 16 to 12.‡ The House referred the matter to the Committee on Foreign Relations, and there it remained. On December 30 a bill prohibiting ransoms was introduced into the House|| and on January 26 passed by a vote of 80 to 57,§ but when the Senate referred this bill to the Committee on Foreign Relations it was smothered. The fate of these measures foreshadowed the destiny of the Embargo.

The Embargo fell with special severity on Massachusetts, where its

effect could be seen in the large number of sailors out of work (some begging their way home and others forced to subsist by charity), and yet the strongest opponents of the modification or repeal of the Embargo were the Federalist members of Congress from New England. They considered the Embargo unconstitutional, but when a resolution was introduced instructing the Committee of Ways and Means to report a bill for its repeal, the House refused even to consider the motion. An effort was made to secure a slight modification, so that ships which had been away from home when the Embargo went into effect might return. A resolution was thereupon introduced bidding the committee inquire into the expediency of permitting vessels absent on December 17 to return to their home ports. To this the House consented, although almost every Federalist voted nay. Various similar resolutions and those favoring a suspension of the Embargo during the negotiations for peace and an inquiry into the expediency of repeal, were introduced; and, with few exceptions, were voted down by the Federalists, who seemed determined that the Administration that passed the measure propose the repeal.

In view of the situation in Europe and of the state of American arms, Madison yielded and on March 31, 1814, sent a message to Congress asking for the repeal of both the Embargo and the Non-importation Act,

\* McMaster, vol. iv., pp. 222-223; Adams, *United States*, vol. vii., pp. 367-369.

† *Annals of Congress*, 13th Congress, 2d session, p. 565.

‡ *Ibid.*, p. 613.

|| *Ibid.*, pp. 816-817.

§ *Ibid.*, pp. 1135, 1139, 1144.



which had been in force against England since 1811.\* That so sudden a change of policy might not be ruinous to the manufactures which had been produced by the restrictive system, he further recommended that the double duties on imports, to expire a year after peace had been concluded, should be extended for another year, and, in order not to embarrass the banks, that the exportation of specie be forbidden. The message was referred to Calhoun's Committee on Foreign Relations, which reported a repealing bill on April 4.† To the surprise of everyone, the very men who for months past had been denouncing the law as unconstitutional, now cried out against its repeal. They said that the whole system of restriction was wrong and bad, but the present was no time to abolish it; that such an act would appear to weaken our demands and lessen the desire of the enemy to make peace. Elisha Potter, of Rhode Island, loudly protested against the change. A large amount of Federalist capital had been embarked in manufacturing enterprises as well as in the speculation in such necessities as became scarce through the blockade and the Embargo. Admitting that under the average duties American manufactures would still have an advantage of 36 per cent., he

insisted that the intent of the bill was to encourage importations of British goods we could well do without in order to raise an indirect revenue from the people. The Republicans made no attempt to defend themselves against such criticism, and, as the opposition of the Federalists had little weight, the House on April 7 by a vote of 115 to 37 passed the bill repealing the Embargo and Non-importation Acts and sent it to the Senate. There some amendments were made, to which the House reluctantly assented, and on April 12 the Senate passed it by a vote of 26 to 4. On April 14 the President approved the bill and henceforth the restrictive system seemed to vanish from the public mind and party politics of the country.\*

Meanwhile Congress had provided for the army. According to Armstrong's report and the Ways and Means Committee, the aggregate strength of the army in February of 1813 was 18,945; in June, 27,609; in December, 34,325; and on January 17, 1814, 33,822; but according to the Adjutant-General's report, the number of regular troops in service in January of 1814 was only 23,614, though the actual strength of the army was less than half that number, because the terms of enlistment of many

\* Richardson, *Messages and Papers*, vol. i., pp. 542-543.

† *Annals of Congress*, 13th Congress, 2d session, pp. 1946-1949; Curtis, *Life of Webster*, vol. i., pp. 126-127.

\* Adams, *United States*, vol. vii., pp. 374-379; McMaster, vol. iv., pp. 229-230; Curtis, *Life of Webster*, vol. i., pp. 128-130; McMaster, *Life of Webster*, pp. 83-87. For the debate in the Senate, see *Annals of Congress*, 13th Congress, 2d session, pp. 731-734, 738-741; for that in the House, pp. 1962-2002. For text see p. 2830.



soldiers had expired. News from England indicated that in a short time a large number of Wellington's veterans would be sent to Canada and that a vast army would be required properly to defend the northern border and the seacoast. Accordingly, on January 13, 1814, George M. Troup, of the Committee on Military Affairs, introduced in the House a bill making further provision for filling the ranks of the regular army.\* Troup did not suggest a draft, but proposed to increase the bounty rather than raise the pay. He at first suggested a bounty of \$100, but Congress raised this to \$124 with 320 acres of land. The pay of the privates was continued at \$10, recruiting agents to receive \$8 for each recruit. The Federalists sharply denounced the bill, but on January 14, 1814, it was passed by a vote of 97 to 58. The Senate passed the bill without a division and it received the President's signature on January 27.†

Meanwhile the Senate had passed bills to convert the twelve-months' regiments into regiments enlisted for the war. Three rifle regiments were raised also for the same term, and the President was authorized to enlist any

number of volunteers he deemed necessary, offering them the same inducements as to the regulars. Thus organized, the army consisted of forty-six infantry regiments enlisted for five years, an artillery corps and a regiment of light artillery, a regiment of dragoons, a corps of engineers, rangers, and sea-fencibles — an aggregate of 62,773 men. Appropriations of nearly \$25,000,000 were made for the military establishment and \$7,000,000 for the navy, \$500,000 being appropriated to construct floating batteries with steam power.\*

The financial outlook was much worse than the military. The annual report submitted by acting Secretary of the Treasury William Jones, on January 10, showed that during the last year he had disbursed \$33,000,000 and for the current year would need \$45,000,000.† There should have been no difficulty in borrowing the amount needed, but the Government was on the verge of bankruptcy, the amount of capital available for loans was uncertain, and the amount of circulating medium was equally so. In a speech on February 10, 1814, Timothy Pitkin, of Connecticut, said that the bank capital of the United States was not more than \$60,000,000 and that the notes of these banks in circulation fell short of \$30,000,000.‡ Had the Gov-

\* *Annals of Congress*, 13th Congress, 2d session, pp. 928-929.

† Adams, *United States*, vol. vii., pp. 380-384. For the debate in the Senate, see *Annals of Congress*, 13th Congress, 2d session, pp. 576-597; Benton, *Abridgment*, vol. v., pp. 81-82; for that in the House, *Annals*, pp. 928-935, 939-979; Benton, vol. v. pp. 135-146. For text see *Annals*, pp. 2789-2790.

\* Adams, *United States*, vol. vii., pp. 384-385.

† *American State Papers, Finance*, vol. ii., p. 651; *Annals of Congress*, 13th Congress, 2d session, pp. 876-880.

‡ *Annals of Congress*, 13th Congress, 2d session, p. 1297.

ernment been able to count on all these resources, they might have answered, but the resources of the New England banks were practically lost to the Nation. The bank capital of Massachusetts (including Maine) approximated \$12,250,000; that of Connecticut, \$3,000,000; while the whole capital of the New England States reached \$18,000,000—nearly one-third of the paid bank capital of the whole country. The fact that the Government could not rely on a large portion of the National resources was serious in itself, but the situation was further aggravated by the fact that New England held a still larger proportion of the specie on which the bank circulation of other States depended. In 1809 the Massachusetts banks reported about \$820,000 in specie, which amount had risen to \$3,680,000 in June of 1812; to \$5,780,000 in June of 1813; and to nearly \$7,000,000 in June of 1814.\* The specie in New England could find its way back only by means of government loans, which New England refused to make, save in small amounts, the total subscription being less than \$3,000,000. On the other hand, the New England banks were practically financial agents of the enemy, since they freely bought Brit-

ish treasury notes at liberal discount and in payment sent to Canada the coin so badly needed at home.\* Moreover, New England during the war loaned much more money to the British than to our own government.† Congress well understood the situation and in the debate of February of 1814 many members pointed out the approaching dangers. The Committee of Ways and Means introduced a bill to incorporate a new National bank capitalized at \$30,000,000, while Macon went so far as to advocate the issue of government paper. After debate, however, Congress on March 3, by a vote of 97 to 55, merely passed a loan bill for \$25,000,000 and an act authorizing the issue of \$5,000,000 of interest-bearing Treasury notes, leaving it optional with the President to issue \$5,000,000 more in case he could not borrow it.‡ Having authorized these large loans, Congress adjourned on April 18 without attempting to determine where to get the money.

The Administration now settled down into a state of stupor and suffered the people to nurse the idle hope of an armistice or a peace, while the enemy gathered in force on the frontier and off the coast. In May the blockade had extended over New England, a large part of Maine had fallen

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\* Adams, *United States*, vol. vii., pp. 386-388. Babcock (*Rise of American Nationality*, p. 157) gives slightly different figures, as does Sumner (*History of American Currency*, p. 67.) He gives the specie in Massachusetts banks on June 1, 1811, as \$1,709,000; 1812, \$3,915,000; 1813, \$6,171,000; 1814, \$7,326,000; 1815, \$3,915,000; 1816, \$1,270,000.

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\* Gallatin's *Writings*, vol. iii., p. 284.

† Adams, *United States*, vol. vii., p. 389.

‡ *Annals of Congress*, 13th Congress, 2d session, pp. 674-675, 1269-1575, 1586-1798, 2795-2798, 2811-2812; Benton, *Abridgment*, vol. v., pp. 174-287.

under British control, and a fleet had arrived in Chesapeake Bay. Late in August came the stunning news that Washington had been captured and the Capitol burned. On August 8, 1814, before the capture of the Capital, Madison issued a proclamation summoning Congress to convene in extra session on September 19 to consider the state of public affairs.\* The day after Congress convened the President sent in his message.† He reviewed the various operations on land and sea, spoke of the necessity of filling the ranks of the regular army, and made no secret of the fact that the situation called for the most earnest efforts on the part of Congress and the people.

Congress had been summoned particularly to provide for the wants of the Treasury, but their own condition claimed first attention. A resolution was unanimously adopted to appoint a committee to inquire into the responsibility for the capture of Washington; two days later the place where Congress was to hold its next session was considered. The Capitol was in ruins, but the patent office (which had escaped the conflagration) was prepared temporarily for the accommodation of the members and officers of the Government. But this proved too small, and the members appointed a

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\* Richardson, *Messages and Papers*, vol. i., p. 544.

† *Ibid.* vol. i., pp. 547-551; *Annals of Congress*, 13th Congress, 3d session, pp. 12-15; Benton, *Abridgment*, vol. v., pp. 296-297.

committee to consider the transfer of the seat of government to Philadelphia. By this time, however, the enemy had left the Chesapeake without showing any intentions of returning, and on October 15 the House rejected the bill by a vote of 83 to 74.\* Having decided to stay at Washington, Congress took the next step toward revivication by supplying itself with a library. On September 21, 1814, Jefferson, moved by the need of money and a desire to aid the Government in its embarrassment,† offered to sell to Congress his private library, representing a fifty years' accumulation. As no such collection could then be purchased in bulk in the United States, the Senate promptly accepted the offer.‡ The bill providing for the purchase was then sent to the House, where for two days the purchase was debated in Committee of the Whole. The Federalists and many others cried out against the purchase as a piece of shameful extravagance, but the bill finally passed by a vote of 81 to 71.§ The amount appropriated was \$50,000, which, considering the state of the Treasury, was extravagant.§

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\* *Annals of Congress*, 13th Congress, 3d session, pp. 311-323, 341-342, 344-376, 387-396; Benton, *Abridgment*, vol. v., pp. 322-326, 329-334, 337-339.

† See his letter to Samuel H. Smith, in *American State Papers, Miscellaneous*, vol. ii., pp. 246-247.

‡ *Annals of Congress*, 13th Congress, 3d session, pp. 25-26.

§ *Ibid.* pp. 398-399, 410-411, 1105-1106.

§ Of the sum appropriated only \$23,950 was



Meanwhile George W. Campbell had become Secretary of the Treasury, and though he did not hold his position long (being succeeded on October 7 by Alexander J. Dallas, of Pennsylvania), he held it long enough to render a report (September 23) on the state of the finances. Between January 1 and July 1, 1814, he had paid, he said, \$19,700,000 from the Treasury and during the following six months would have to pay out \$27,600,000 more. The Treasury would require for 1815 at least as much as for 1814, wherefore it would be necessary for Congress to provide at least \$74,000,000 for the service between July 1, 1814, and December 31, 1815. The extent of his resources was only \$22,000,000, leaving more than \$50,000,000 to be provided for. As loans were impracticable, Campbell discussed the possibility of issuing Treasury notes. He said that \$8,000,000 were already in issue, of which \$4,000,000 would fall due by the first of the year; that \$6,000,000 in Treasury notes was about as large a sum as could be circulated readily; but that by issuing notes of small denominations the amount might be raised to \$10,000,000. For the \$50,000,000 which must be raised he had no suggestion to offer, leaving it to Congress to meet all difficulties.\*

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used, that being the estimated value of the 6,487 books purchased (*American State Papers, Miscellaneous*, vol. ii., p. 253).

\* For his report see *American State Papers, Finance*, vol. ii., pp. 840-853. See also Adams, *United States*, vol. viii., pp. 240-242.

It mattered little whether or not Campbell made any suggestions, for almost immediately after the report was submitted Dallas, as already stated, replaced Campbell as Secretary of the Treasury. Before the new Secretary could frame a plan for the relief of the Treasury, the Committee of Ways and Means reported a scheme to the House (October 10) through its chairman, John W. Eppes.\* According to the report, the only means at hand to meet the costs of the war were taxes, loans, and Treasury notes, but the important demands on the Treasury and the unreliability of the production of money by taxation and loans made Treasury notes the only resource open. Eppes proposed to turn the Treasury notes into a National circulating medium by issuing them in sums sufficiently small for the ordinary purposes of trade, to permit holders to fund them at any loan office for 8 per cent. stock, to make them receivable in all payments for public lands and taxes, to pledge the internal revenue for the interest, and to raise the revenue by increasing taxes.†

Dallas now submitted a formidable document containing a scheme of his own. He stated that a permanent annual revenue of \$21,000,000 should be raised by taxes, duties, imposts, and

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\* *American State Papers, Finance*, vol. ii., p. 854; *Annals of Congress*, 13th Congress, 3d session, pp. 378-381.

† McMaster, vol. iv., p. 233; Adams, *United States*, vol. viii., pp. 247-248.



excises; that a war revenue of \$21,000,000 should be raised yearly by doubling the direct tax, the rates of postage, the old taxes on licenses, auction sales and carriages and by the imposition of new taxes on iron, leather, tobacco, snuff, paper, playing cards, mortgages, counsellors, and attorneys-at-law. In addition, he recommended the establishment of a National bank to supply a National circulating medium and to facilitate exchange.\* Resolutions embodying his suggestions were thereupon introduced and the bank question was debated first.

That the disorders of the currency were past all endurance was universally admitted, and even old Republicans generally conceded that the best way to regulate it was by means of a National bank. There were a few, however, who could not lay aside their old hatred of banks, and these refused to support Dallas' plan. Nevertheless, on October 20, by a vote of 66 to 40 the House voted to establish a National bank, and on November 7 a bill for the establishment of a bank according to Dallas' plan was reported. The bank was to be located at Philadelphia and was to have \$50,000,000 capital, of which \$44,000,000 might be subscribed in government bonds and notes and \$6,000,000 in coin.† The Federal government was to pay its

subscription of \$20,000,000 in 6 per cent. stock, and the balance of \$30,000,000 to be subscribed by individuals, companies or corporations. But the latter must pay \$6,000,000 in gold or silver and the rest in specie or Treasury notes and stock in the proportion of \$3 in stock to \$1 in notes, thus making the amount \$18,000,000 in stock, \$6,000,000 in notes, and \$6,000,000 in specie.\*

Discussion of the bill began on November 14 and every day brought new objections and increased opposition. On November 16 Calhoun introduced another scheme, eagerly seized upon by the House.† His plan was to incorporate a bank with \$50,000,000 capital in which the Government should own no stock over which it should exercise no jurisdiction and from which it could borrow no funds, the capital consisting of \$6,000,000 in specie and \$44,000,000 in Treasury notes to be issued for that purpose and to be subscribed in certain proportions on the last three days of every month. Ingham, of Pennsylvania, representing Dallas, energetically combatted Calhoun,‡ but Calhoun's scheme was considered best and was adopted by a large majority.|| Discussion brought out so many unforeseen difficulties

\* McMaster, vol. iv., pp. 234-235; Adams, *United States*, vol. viii., p. 250.

† *Annals of Congress*, 13th Congress, 3d session, pp. 587-588.

‡ *Ibid*, p. 589.

|| *Ibid*, pp. 590-618, 620-622, 626-635, 642-643; Benton, *Abridgment*, vol. iv., pp. 363-376, 379-386.

\* *American State Papers, Finance*, vol. ii., pp. 866-869; *Annals of Congress*, 13th Congress, 3d session, pp. 401-410.

† Dewey, *Financial History*, pp. 146-147.

that on November 29 the bill was re-committed to a select committee, consisting of Calhoun, Ingham, Forsyth, and two Federalists.\*

When the committee received the bill, Lowndes wrote Dallas asking what effect the issue of \$44,000,000 in Treasury notes would have on the sale of the proposed loan of 1815 and on the market value of notes already due and not receivable in payment of subscriptions to a National bank. He inquired also whether the new notes could be put in circulation without depreciation. In reply, on November 27, Dallas plainly intimated that Calhoun's scheme was impractical and mischievous, saying that to issue \$44,000,000 in Treasury notes would have a bad effect, because the new creditors would enjoy a privilege denied the old creditors, which would create discontent and tend still further to depress government paper, and because it would be almost impossible to float the proposed loan of 1815 if the Government could not borrow from the bank. He said furthermore that it would be utterly impossible to put the new notes into general circulation without depreciation.† Accordingly, the next day (November 28), Lowndes submitted the bill without amendment, together with Dallas' letter, informing the House that the committee could reach no agreement.

The House thereupon took the bill under consideration and cut the capital down to \$30,000,000, whereupon a fiery debate ensued. Finally by a vote of 104 to 49 the bill was refused a third reading and so was rejected.\*

It was plain that the House must resort to inconvertible paper, whether it was issued by the Treasury or by a bank. Dallas, Calhoun, and Eppes were agreed on this point, if on no other; but the House, after sitting for two months and a half, reached no decision. Eppes wrote to Dallas on December 2 for further information. The same day Dallas replied that \$5,526,275.80 in Treasury notes and dividends were due or would fall due before January 1, and that to meet these demands the Treasury would not have more than \$3,772,287.13, including unavailable bank credits.‡ For immediate relief, therefore, Eppes reported a bill providing for some \$10,000,000 more of interest-bearing Treasury notes. This was passed and became law on December 26, without materially improving the situation. On December 22, by a vote of 106 to 53, the House raised the direct tax to \$6,000,000,‡ and the measure passed the Senate on January 5, 1815, by a vote of 23 to 7.||

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\* *Annals of Congress*, pp. 655-658; McMaster, vol. iv., p. 238; Adams, *United States*, vol. viii., pp. 252-253.

† *Annals*, pp. 762-770.

‡ Adams, *United States*, vol. viii., pp. 254-255. For the debate, see *Annals*, pp. 938-951, 958-971.

|| *Annals*, p. 160.

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\* Adams, *United States*, vol. viii., pp. 250-252; McMaster, vol. iv., pp. 237-238.

† *American State Papers, Finance*, vol. ii., pp. 872-873; *Annals of Congress*, pp. 652-654.

Meanwhile the Senate had taken the bank matter in hand, when Rufus King, on December 2, introduced a bill to incorporate a bank along the lines suggested by Dallas. This bill was passed on December 9 by a vote of 17 to 14\* and sent to the House, which referred it to the Committee of Ways and Means.† On December 14 the bill was reported with amendments,‡ but not before December 23 did the debate begin, to be cut short four days later by C. J. Ingersoll, who pledged the House, by a vote of 72 to 70, to call for the previous question and ordered the bill to a third reading.¶ The bill was then recommitted for amendment, again reported, and vehemently attacked. On January 2 Daniel Webster made a long speech in which he said:

“What sort of an institution, sir, is this? It looks less like a bank than like a department of government. It will be properly the paper money department. Its capital is government debts; the amount of issues will depend on government necessities; government in effect absolves itself from its own debts to the bank, and by the way of compensation absolves the bank from its own contracts with others. This is, indeed, a wonderful scheme of finance. The government is to grow rich because it is to borrow without the obligation of repaying, and is to borrow of a bank which issues paper without liability to redeem it. \* \* \* They provide for an unlimited issue of paper, in an entire exemption from payment. They found their bank in the first place on the discredit of government, and then hope to enrich government out of the insolvency of the bank.”§

Accordingly Webster moved that the committee be instructed to report a bill creating a bank with \$25,000,000 capital, composed of \$5,000,000 of specie and \$20,000,000 of government securities, without power to suspend specie payments and without obligation to lend to the Government three-fifths of its capital.\* The debating, amending, and quarreling over, the House came to a vote on the same day and divided—81 yeas to 80 nays. Thereupon the Speaker, Langdon Cheves, after denouncing the bank as a dangerous, unexampled, and desperate measure, cast his vote against the bill, thus tying the vote. According to the rules, the Speaker was then called upon to cast a deciding vote, which Cheves did in the negative, and the bill was rejected.†

The House seems to have regretted this action, for on the next day the vote was reconsidered and by a majority of 107 to 54 the bill was sent to a select committee,‡ whence it was reported on January 6 in the form proposed by Webster. The next day, weary of the struggle, the House passed the bill by a vote of 120 to 38.¶ On January 20 it was passed in the Senate by a vote of 20 to 14§ and then

\* *Annals*, pp. 1025–1026; Dewey, *Financial History*, pp. 147–148; Tefft, *Life of Webster*, p. 155.

† McMaster, vol. iv., pp. 238–239; Adams, *United States*, vol. viii., pp. 258–259; Curtis, *Life of Webster*, vol. i., pp. 141–143; Tefft, *Life of Webster*, pp. 156–160.

‡ *Annals*, pp. 1026–1030.

¶ *Ibid.*, pp. 1039–1045; White, *Money and Banking*, p. 276.

§ *Annals*, pp. 173–177.

\* *Annals of Congress*, pp. 126–127.

† *Ibid.*, p. 833.

‡ *Ibid.*, p. 902.

¶ *Ibid.*, p. 976 *et seq.*

§ *Ibid.*, p. 1016. White (*Money and Banking*, pp. 273–276) gives other excerpts from the speech.



sent to the President.\* After ten days' deliberation, Madison returned the bill with his objections. He said that the bank could afford no real relief in the way of loans to the Government and could not be relied on to provide a circulating medium, that the amount of stock subscribed was insufficient to raise the price of that stock in the market, and that public credit would not be benefited in the least by the amount of Treasury notes provided for.† Once back in the Senate, an attempt was made to pass it over the veto; but as this was impossible, a new bill providing for a bank of \$50,000,000 capital, from which the Government might borrow \$30,000,000, was rushed through and sent to the House.‡ Then came new debates, references, and reports, but amid the enthusiasm over the triumph at New Orleans and the peace rejoicings, the bill was postponed by a single vote on the ground of want of time and as not requiring particular attention just then.||

Thus the Treasury was left without a resource in prospect; the unsatisfied demands reached nearly \$20,000,000 while the cash balance (chiefly in bank credits) hardly exceeded \$6,000,000. A further deficit of \$40,000,000 re-

mained to be provided above the estimated revenue of 1815.\* At that time the United States 6 per cents. commanded only between 50 and 60 cents on the dollar, and at Boston were quoted at a discount of 40 cents. Being in demand for the payment of taxes, Treasury notes were worth only about 75 cents on the dollar. Dallas had no real hope of carrying on the Government, saying in a letter to the Committee of Ways and Means: "When I perceive that more than forty millions of dollars must be raised for the service of the year 1815, by an appeal to public credit, through the medium of treasury notes and loans, I am not without sensations of extreme solicitude."†

The military situation was as desperate as the financial. The military committee of the House having called upon Secretary of War Monroe for suggestions, he suggested that the field army, which on October 1 numbered 34,000, be raised at once to the legal limit of 62,000; and also that a defensive army of 40,000 men be raised, so that when the next campaign opened there would be 100,000 regular troops in the field.‡ As the experience of the past two years had proven that these troops could not be raised by enlistment, Monroe suggested that all men between the ages

\* For text see *American State Papers, Finance*, vol. ii., pp. 892-895.

† *Annals*, pp. 189-191; Richardson, *Messages and Papers*, vol. i., pp. 555-557; *American State Papers, Finance*, vol. ii., pp. 891-892; Dewey, *Financial History*, p. 148; Von Holst, *Constitutional and Political History*, vol. i., pp. 385-387.

‡ *Annals*, pp. 192-201, 208-214, 226, 230-231.

|| *Ibid*, pp. 1080-1083, 1149-1152, 1167-1168.

\* See the report of Dallas of January 17, 1815, *American State Papers, Finance*, vol. ii., p. 885; *Annals*, pp. 1088-1095.

† *American State Papers, Finance*, vol. ii., p. 888.

‡ Adams, *Lives of Madison and Monroe*, p. 275.



of eighteen and forty-five be enrolled and divided into classes of 100, who should select among themselves persons to go to war and should keep up this quota constantly; but if any of these classes should fail to do this, the men required were to be drafted.\*

The matter was immediately taken up by Congress. In the Senate, Giles on November 5 reported two measures, one extending the age of enlistment from twenty-one to eighteen years, doubling the land bounty and exempting from military duty every militiaman who furnished a recruit for the regular service, and the other raising an army of 80,000 militia by draft to serve as an army of defence for two years within the limits of their own or an adjoining State. On November 16, when the bill came under discussion, Senator Varnum, of Massachusetts, objected to drafting militia for two years' service, because the principle of nine months' service was already established by the common law; if the Nation wanted a regular force, he said, why not make it a part of the regular army without a system of drafting militia "unnecessary, unequal, and unjust."† Then David Daggett, of Connecticut, asserted that the bill was unconstitutional, unjust, and incapable of exe-

cution.\* Jeremiah Mason, of New Hampshire, said that the measure was inconsistent with the spirit of civil liberty and any attempt to enforce it ought to be resisted.† Christopher Gore, of Massachusetts, who followed Mason, also declared the bill impracticable, unconstitutional, unequal, unjust, and oppressive.‡ Robert H. Goldsborough, of Maryland, denounced the scheme because it would work a hardship on the middle ranks in society—"your tenantry, your mechanics, your manufacturers—the men who constitute the very bone and muscle of your population."§ But the Senate turned a deaf ear to all these arguments and appeals, passing the militia bill by a vote of 19 to 12 and sending it to the House. The regular army bill had already passed on November 11 without a division, and both measures were then committed by the House to the Committee of the Whole.§ After the committee had reduced the term of service from two years to one, Richard Stockton, of New Jersey, charged that Congress was about to usurp the rights and sovereignty of the State governments and asserted that no one could seriously expect the people of the State governments to submit to the usurpation. He asked the majority if they had examined the cloud rising in the

\* *Annals of Congress*, 13th Congress, 3d session, pp. 482-491; Adams, *United States*, vol. viii., pp. 264-266; McMaster, vol. iv., pp. 240-241.

† *Annals of Congress*, 13th Congress, 3d session, pp. 58-70.

\* *Annals*, pp. 70-77.

† *Ibid.*, p. 83.

‡ *Ibid.*, pp. 95-102.

§ *Ibid.*, pp. 103-109.

§ Adams, *United States*, vol. viii., pp. 269-273; McMaster, vol. iv., pp. 241-243.

East (meaning the Hartford Convention) and whether they did not perceive that it was black, alarming, and portentous.\* Despite all the influence of the Republican leaders in the House, the opposition gradually won control in it. On December 10, by a vote of 62 to 57, the House reduced the term of service from two years to one, and finally (December 14) the bill passed by a vote of 84 to 72, then going to the Senate. The latter would not consent to the reduction, and at a conference suggested 18 months as a compromise. By a vote of 73 to 64, however, the House rejected the report of the conference committee on December 27, and the next day Rufus King in the Senate made a motion for an indefinite postponement, which was carried by a vote of 14 to 13. This in effect destroyed the bill.†

At that time the resources of the National government were exhausted; it was on the brink of ruin. Timothy Pickering expected that the Union would soon be divided into its component parts,‡ while others expected only a dissolution of the Government. Joseph Hopkinson later said in Congress that the Federal government was in its death throes:

"But six months longer and it was no more.  
\* \* \* The General Government would have dissolved into its original elements; its powers would have returned to the States from which they were derived; and they doubtless would have

been fully competent in their defence against any enemy. Does not everybody remember that all the great States, and I believe the small ones, too, were prepared for this state of things and organizing their own means for their own defence?" \*

Hopkinson was wrong in including all the States, since it was the New England States to which he particularly referred. Calhoun contradicted Hopkinson, knowing that his own State had never been a party to such a scheme; but the former little knew how easily New England could be induced to take treasonable action.

At the beginning of 1814 the attitude of New England pleased no one; in fact, ever since the defeat of Adams, New England — and Massachusetts in particular — had been ill-disposed toward the Government. Twice the extreme partisan leaders had planned and considered a movement for secession, but it was not until 1814, when the Federal government was tottering under its enormous load and when the people should have given it their heartiest support, that the people of New England began to do their part in creating a secession of the Union. The extreme Federalists soon began openly to express the wish that the State assume an attitude of resistance to the Union. Timothy Pickering said that he believed an immediate separation would be a real blessing to the "good old thirteen States."† Early in 1814 he thought that the time had

\* *Annals*, p. 848. For similar expressions, see *ibid.* pp. 790, 829, 833, 907.

† Adams, *United States*, vol. viii., pp. 273-280; McMaster, vol. iv., p. 243.

‡ Adams, *New England Federalism*, p. 425.

\* *Annals of Congress*, 14th Congress, 1st session, p. 795.

† Adams, *New England Federalism*, p. 391.

come to put his plan into effect and, without consulting his old associates of the Essex Junto, began to stimulate action among the people and in the State legislature. The first step was to persuade the towns to adopt addresses to the General Court. Some forty towns followed this course,\* and their addresses were referred to a committee of the General Court, which reported February 18, 1814, in a spirit not altogether satisfactory to the advocates of action. They declared the Embargo unconstitutional and said:

"A power to regulate commerce is abused when employed to destroy it; and a manifest and voluntary abuse of power sanctions the spirit of resistance, as much as a direct and palpable usurpation. The sovereignty reserved to the states was reserved to protect the citizens from acts of violence by the United States, as well as for purposes of domestic regulation. We spurn the idea that the free, sovereign and independent state of Massachusetts is reduced to a mere municipal corporation, without power to protect its people, and defend them from oppression, from whatever quarter it comes. Whenever the national compact is violated and the citizens of this state are oppressed by cruel and unauthorized laws, the Legislature is bound to interpose its power and wrest from the oppressor his victim. This is the spirit of our Union, and thus it has been explained by the very man [Madison] who now sets at defiance all the principles of his early political life. \* \* \* On the subject of a convention, the committee observe that they entertain no doubt of the right of the Legislature to invite other States to a convention, and to join it themselves for the great purpose of consulting for the general good, and of procuring amendments to the Constitution whenever they find that the practical construction given to it by the rulers for the time being is contrary to its true spirit and injurious to their immediate constituents."†

\* See Adams, *United States*, vol. viii., pp. 5-7.

† *Niles' Register*, vol. vi., pp. 4-8; Von Holst, *Constitutional and Political History*, vol. i.,

The committee advised that the matter be referred to the representatives soon to be returned to the General Court. Thus the subject of a New England convention was expressly referred to the people, and during the spring elections held in April this issue overshadowed all others,\* resulting in the election to the next General Court of representatives who would take decisive action against the war.‡ Finally in his message to the special session of the Legislature, which convened October 5, 1814, Governor Strong said:

"The situation is peculiarly dangerous and perplexing. We have been led by the terms of the Constitution to suppose that the government of the Union would provide for our defence. We have resigned to that government the revenues of the State with the expectation that this object would not be neglected. But the government has declared war against the most powerful maritime nation, whose fleets can approach every section of our extended sea-coast, and we are disappointed in our expectation of national defence. Let us then, relying on the support and direction of Providence, unite in such measures for our safety as the times demand and the principles of justice and the law of self-preservation will justify."

Governor Strong knew that extreme partisans of the Pickering type were in control of the Legislature and he knew also the temper of the people.

p. 254. It is stated by some that Harrison Gray Otis, in a letter to Josiah Quincy in 1808, was the first to suggest the convention. See Edmund Quincy, *Life of Quincy*, p. 164.

\* On the disaffection and its consequences, see Gillet, *Democracy in the United States*, pp. 29, 79; Hildreth, *United States*, vol. vi., p. 469; the article *New England Secessionists*, in *The New Englander* (March, 1878). Hildreth (p. 470) erroneously gives the date of the report as February 16.

† Adams, *United States*, vol. viii., pp. 9-13.



The Boston *Sentinel* announced on September 10, 1814, that the Union was practically dissolved and that the people must rise in their majesty, protect themselves, and force their unworthy servants to obey their mandates. On October 12 Pickering wrote to Strong a letter which closed with the remark that, being abandoned by the general government save for the purpose of taxation, "we must defend ourselves and ought to secure and hold fast the revenues indispensable to maintain the force necessary for our protection against the foreign enemy and the still greater evil in prospect—domestic tyranny."\* Again, in writing to Gouverneur Morris, he said: "I have even gone so far as to say that the separation of the Northern section of the States would be ultimately advantageous."†

In reply to the Governor's message, the Senate said that it should not be forgotten that the conditions he mentioned had been forced on the commonwealth not only against her consent, but in the face of her earnest protest. They asserted that the Government had been forewarned that a war with Great Britain would be attended by the extinction of our commerce, desolation of our coasts, blockade of our sea-towns, failure of National credit, poverty and desolation among the poorer classes, by additional taxation, and by an alliance with France. But the Government

was deaf to the warning and it was therefore the duty of the Senate to declare that the National Administration had failed to secure to New England the rights and benefits expected under the Constitution. There was a means of redress, however,—the Federal Constitution could be amended. But since a proposition for such a convention if made by a single State would probably be unsuccessful, the State recommended that a conference be held of such New England States "the affinity of whose interests is closest;" and that this conference lay the foundation for a radical reform of the Constitution by inviting to a future convention representatives from all the States in the Union.\*

A resolution calling for a conference of the New England States to meet at Hartford on December 15 was then introduced, and on the 13th, after a sharp debate and in spite of the opposition of the minority, was passed by both Senate and House. On October 16, therefore, the majority chose 12 delegates to meet and confer on December 15 with the other New England States "upon our public grievances and concerns."† On October 17 the invitation was issued to the other New England States, and one by one the replies came in. Connecticut accepted (the vote standing 153 to 36) and immediately appointed seven

\* McMaster, vol. iv., pp. 246-247; Adams, *United States*, vol. viii., pp. 224-225; Niles' *Register*, vol. vii., pp. 149-152.

† Babcock, *Rise of American Nationality*, p. 161.

\* Adams, *New England Federalism*, p. 394.

† Lodge, *Life of Cabot*, p. 535.



delegates, but limited them to "such measures for the safety and welfare of these States as may consist with our obligations as members of the National Union."\* On November 5 Rhode Island, by a vote of 39 to 23, appointed four delegates; but they were to do nothing that was not "consistent with their obligations."† The Legislature of Vermont, including its Federalist minority, unanimously declined the invitation,‡ and the Republican council in New Hampshire refused to convene the Legislature for action on the subject.||

The Massachusetts delegation was quite conservative, considering the nature of the men who had so strongly urged the convention. George Cabot was chosen as the head of the State delegation; but his election did not please such advocates of action as Pickering. Of the other members, William Prescott, Nathan Dane, and Harrison Gray Otis were both prudent and cautious. Of the same stamp were James Hillhouse, Chauncey Goodrich, and Roger M. Sherman of the Connecticut delegation.

When the appointed day arrived, the delegates assembled at Hartford. There they were joined by two delegates from New Hampshire chosen by a popular convention in the coun-

ties of Grafton and Cheshire, who were admitted, and a little later by a delegate from Windham County, Vermont. George Cabot was chosen president of the convention and Theodore Dwight secretary; and it was decided to make the sessions secret.\* On the first day a committee was appointed, of which Goodrich and Otis were members, to consider and report on the business to be done. This committee reported that the points in dispute between the States and the National government were the militia power, conscription power, the duty and means of defence, and matters of a like nature. Two days were spent in discussion, at the end of which another committee was appointed (Nathaniel Smith, of Connecticut, at its head and Otis a member) to frame a general project of measures. Another committee (with Otis as chairman) was appointed December 21 to prepare a report showing the reasons which guided the conventions to its results. It is probable that Otis was the author of the report adopted January 24 recommending a course to the convention; and he was chairman of the committee to which the report was referred and by which, after a discus-

\* *Niles' Register*, vol. vii., p. 158.

† *Ibid.*, vol. vii., p. 181.

‡ *Ibid.*, vol. vii., p. 167.

|| Adams, *United States*, vol. viii., p. 227; McMaster, vol. iv., p. 248; Schouler, *United States*, vol. ii., pp. 469-470; Von Holst, *Constitutional and Political History*, vol. i., p. 261.

\* McMaster, vol. iv., p. 249; Adams, *United States*, vol. viii., pp. 292-293. Von Holst (*Constitutional and Political History*, vol. i., p. 263) says that if the New Englanders were concocting a conspiracy to separate the New England States from the Union, the death sentence had already been passed upon the project. If the conspirators meet on a publicly appointed day but decide to exclude the public from their deliberations, the conspiracy becomes a complete absurdity.

sion lasting from December 24 to 30, the final report was framed.

The report began by urging patience and firmness. Though flagrant abuses prevailed in every department of the Government, the time was not yet ripe for open resistance. The heavy taxes, wasteful expenditures, lust of power, corruption of patronage, etc., were simply the result of bad administration, not the fault of the form of government. But if events should prove these evils permanent and make secession necessary, it should occur in time of peace and by deliberate consent. In reviewing the conscription bill then before Congress, and the President's right to call out the militia, the Convention decided that the behavior of the President and the plan of the Secretary of War showed a total disregard of the Constitution and a disposition to violate its provisions. They then went on to say that, "in case of deliberate, dangerous and palpable infractions of the Constitution affecting the sovereignty of a State and the liberties of a people, it is not only the right but the duty of such a State to interpose its power for their protection in the manner best calculated to secure that end. When emergencies occur which are either beyond the reach of the judicial tribunals or too pressing to admit of the delay incident to their forms, States which have no common umpire must be their own judges and execute their own decisions." It was recommended that Congress be asked to

allow every State to protect itself by raising armies and to appropriate part of the Federal taxes collected in the respective States to meet the cost. Seven amendments were proposed to the Federal Constitution, on which immediate action was neither asked nor expected. These bore on the exclusion of slaves as a basis of apportioning Representatives among the people; the restriction of the Constitutional power of Congress to admit new States into the Union; the limitation of the power of Congress respecting the Embargo and the right to restrict commerce; the restriction of the war-making power of Congress; the exclusion of such foreigners as should thereafter arrive in the United States and become naturalized from holding office under the Government; and the limitation of the Presidency to a single Constitutional term and the interdiction of electing a President from the same State for two consecutive terms.\* The only recommenda-

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\* The journal of the convention is in Dwight, *History of the Hartford Convention, with a Review of the Policy of the United States Government which Led to the War of 1812*, pp. 383-398 (ed. 1833) and the text of the report on pp. 352-379. The report will also be found in *Niles' Register*, vol. vii., pp. 305-313 and the statistical tables on pp. 328-332. The records of the doings of the convention were published soon after under the title *Proceedings of a Convention of Delegates, from Massachusetts, Connecticut, and Rhode Island; the Counties of Cheshire and Grafton in N. H.; and the County of Windham in Vermont; Convened Dec. 15th, 1814*. It is also in *Public Documents, containing Proceedings of the Hartford Convention; Report of the Commissioners while at Washington; Letters from Massachusetts Members in Congress, and Letters from the*

tions on which speedy action was expected were those granting the New England States a reasonable portion of the taxes collected within them and an arrangement whereby these States might be empowered separately or in concert to assume the defence of the

territory against the enemy. If the United States should decline such an arrangement, if peace were not concluded, and if the general government failed to defend New England, the States were to send delegates to another convention to meet at Boston on June 15, "with such powers and instructions as the exigency of a crisis so momentous may require."<sup>\*</sup> After the adoption of all reports, the convention adjourned.

No one doubted that moderate men would approve the report of the Convention, but there was some question as to the probable course of partisans like Gouverneur Morris, Pickering and John Lowell, who wanted immediate action. For the sake of unanimity, however, these men acquiesced in the report, which was approved also by Governor Strong and Senator Gore. There is no record that any leading Federalist disapproved the report. In Massachusetts and Connecticut full acquiescence was expressed. On January 24 the Massachusetts Legislature approved the proceedings of the Convention and resolved that commissioners be appointed to go to Washington for the purpose of effecting the proposed arrangement. Accordingly three commissioners, with Harrison Gray Otis at their head, were quickly appointed.† Connecticut acted with equal zeal and expedition.

<sup>\*</sup> Adams, *United States*, vol. viii., pp. 297-298; McMaster, vol. iv., pp. 251-252. Facsimiles of the signatures of those who signed the report will be found in Lossing, *War of 1812*, p. 1014.

† Adams, *United States*, vol. viii., p. 300 *et seq.*

*Governors of Pennsylvania, New Jersey, and New York* (Mass. Senate Doc., Boston, 1815). According to Lodge (*Life of Cabot*, p. 510), the original journal is in the Adams archives. The earliest authoritative statements by friends were the *Letters Developing the Character and Views of the Hartford Convention by Harrison Gray Otis*, first published in the *National Intelligencer*, Jan., 1820 (Washington, 1820) and the anonymous account (though known to have been written by Theodore Lyman) entitled *Short Account of the Hartford Convention, taken from Official Documents: Added an Attested Copy of the Secret Journal of that Body* (Boston, 1823), and Otis' *Letter in Defence of the Hartford Convention and the People of Massachusetts* (Boston, 1824), the last being in effect a campaign document to defeat the election of Eustis to the governorship. Jeremiah Mason (*Memoir*, p. 270) calls it the last struggle of Federalism. See also R. M. Sherman's account in *Niles*, vol. xxxix., pp. 434-435, and for some articles hostile to the convention, *ibid.* vol. vii., pp. 185-189, 193-197, 257, 258, 321-326, 337, 338, 369-371; Ingersoll, *History of the Second War*, vol. ii., pp. 216-248; Holmes' *Annals*, vol. ii., pp. 467-469. See also Barry, *Massachusetts*, vol. iii., pp. 407-422; articles in the *New Englander*, vol. xxxvii., pp. 145-159; the *New England Magazine*, vol. vi., pp. 181-193 (March, 1834); Lodge, *George Cabot*, chaps. xi.-xiii.; McMaster, vol. iv., pp. 250-252; Von Holst, *Constitutional and Political History*, vol. i., pp. 263-269; the defence of Noah Webster in his *Essays* (1843); the testimony of Otis and Sherman in S. G. Goodrich, *Recollections of a Lifetime*, vol. ii., pp. 1-50; the letters in Sullivan, *Public Men*, p. 356 *et seq.*; Hildreth, *United States*, vol. vi., pp. 533, 545-553; Loring, *Hundred Boston Orators*; Fowler, *Sectional Controversy*; S. D. Bradford's *Works*; L. Josselyn, *Appeal to the People*; proof of an alliance between the American Whigs and the British Tories (Boston, 1840); *Identity of the Hartford Convention Federalists with the Modern Whig Harrison Party* (Boston, 1847).



Governor John C. Smith called a special session of the Legislature to assemble on January 25 to act on the delegates' report. Without delay, the measures recommended by the Convention were approved by the Legislature and delegates were appointed

to accompany those sent from Massachusetts.\* Early in February the five set out, but almost at the same time the sloop *Favorite* entered New York harbor, bearing a gentleman who declared himself to be Henry Carroll, the bearer of the treaty of peace.†

## CHAPTER XXIV.

1814-1815.

### FIGHTING ON THE GULF COAST.

Dispatch of the British expedition — Jackson's advance toward Pensacola — Arrival of Nicholls and Percy — Percy's attempt to secure aid from the Lafittes — Patterson's attack on the Baratarians — Repulse of the British at Fort Bowyer — Capture of Pensacola by Jackson — His arrival at New Orleans — Inactivity of the Louisianians — Jackson's measures for defence — Defeat of Jones' gunboat flotilla — Martial law declared — Arrival of troops — Jackson's attack on Thornton's detachment — Attack on the *Carolina* and *Louisiana* — The artillery duel of January 1 — The battle of January 8 and the subsequent retreat of the British — Attacks on Forts St. Philip and Bowyer — Jackson's dispute with the civil authorities.

In a dispatch to the home government, Cochrane expressed the belief that 3,000 British troops landed at Mobile could, with the aid of the Indians and the disaffected French and Spaniards, drive the Americans entirely out of Louisiana and the Floridas.\* Accordingly the British government directed General Ross to carry out Cochrane's plan, but Ross' death interfered. On October 17 the War Department in London received word of Ross' death and without delay Major-General Sir Edward Pakenham and Major-General Sir Samuel Gibbs were sent to the West Indies to join Cochrane at Negril Bay in

Jamaica, whither the large force intended for operations against New Orleans was already moving from several different quarters.

Meanwhile Jackson had been appointed to the command of the seventh military district, with headquarters at Mobile,‡ where he arrived about August 15. He had not the slightest thought of defending New Orleans, considering, with most of the South-westerners, the Republic unsafe as

\* Schouler, *United States*, vol. ii., p. 475. Von Holst (*Constitutional and Political History*, vol. i., pp. 269-272) points out the political significance of the convention and the adoption of the report by Massachusetts and Connecticut.

† McMaster, vol. iv., pp. 254-255.

‡ Buell, *History of Andrew Jackson*, vol. i., p. 336; Parton, *Life of Jackson*, vol. i., pp. 545-546.

\* Adams, *United States*, vol. viii., p. 311; McMaster, vol. iv., p. 149.



long as a Spanish garrison was stationed anywhere along the north coast of the Gulf of Mexico. He therefore bent his energies on expelling them, beginning the task with the idea of pushing his army directly through the Creek country to Pensacola, which he hoped to take and hold. On receiving command of the district he wrote to Armstrong begging him for orders to take Pensacola,\* but such orders did not come, and when he reached Fort Jackson he entered into an angry correspondence with the governor of Pensacola regarding the surrender of Francis, McQueen and the other Red Sticks who had escaped into the Spanish territory.†

The old town of Pensacola had one of the finest harbors in all Florida, but was of no commercial importance whatever. The inhabitants were chiefly West India traders, smugglers, privateersmen, Indians, half-breeds, runaway negroes, and white men who had fled from American territory for good cause.‡ Before this place on July 25 appeared Major Edward Nicholls with about 110 troops, two howitzers, a field-piece, 1,000 stand of arms, 300 suits of clothing for the Indians, and the British vessels *Hermes* and *Carron*, with Captain W. H. Percy in command. Though the territory belonged to Spain, Nicholls, without the slightest ceremony, seized

Fort Barrancas at the entrance of the harbor, raised the British flag, disembarked arms and ammunition, took up his abode in the governor's house, and issued a proclamation to the inhabitants of Kentucky and Louisiana calling upon them to assist him in liberating the soil from the faithless and imbecile United States government.\* He then set about collecting the fugitive Red Sticks, dressed them in red coats,† armed them with muskets, and drilled them every day on the streets of Pensacola.‡

Jackson at Mobile, some 60 miles away, soon learned of the landing of Nicholls at Pensacola and also that 13 ships of the line, with transports and 10,000 troops on board, were daily expected there. Accordingly, on August 27, he wrote to Governor Blount, of Tennessee, requesting him without delay to organize, equip, and bring into the field, Tennessee's quota of 2,500 militia. This request was heeded and in a short time the Tennessee quota, with many volunteers from that State and Kentucky, put themselves under Jackson's immediate command.¶ Captain Percy then decided to act and on September 1 sent the British sloop of

\* Lossing, *War of 1812*, p. 1017; Parton, *Life of Jackson*, vol. i., pp. 576-579; Frost, *Life of Jackson*, pp. 269-272. For text, see *American State Papers, Foreign Relations*, vol. iv., p. 543.

† A. L. Latour, *Historical Memoir of the War in West Florida and Louisiana*, p. 11.

‡ Hawkins to Armstrong, August 16, 1814, *American State Papers, Indian Affairs*, vol. i., p. 860; Adams, *United States*, vol. viii., pp. 319-320; Parton, *Life of Jackson*, vol. i., pp. 579-580.

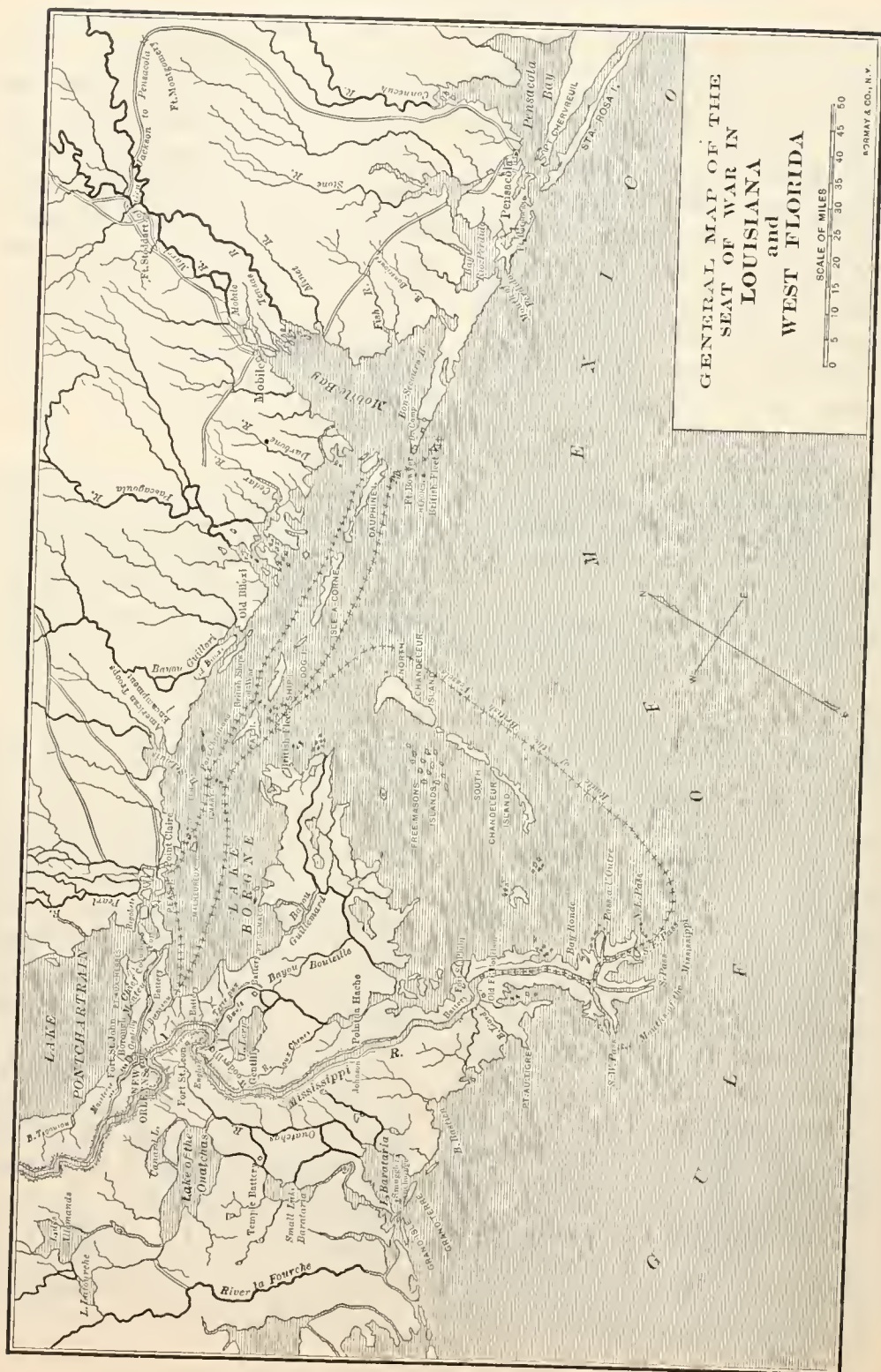
¶ Parton, *Life of Jackson*, vol. i., p. 599.

\* Buell, *History of Andrew Jackson*, vol. i., p. 346.

† Frost, *Life of Jackson*, pp. 264-268; Parton, *Life of Jackson*, vol. i., p. 594 *et seq.*

‡ Fuller, *The Purchase of Florida*, p. 205.

THE SEAT OF OPERATIONS IN THE GULF.



war *Sophie* to Barataria Bay with a letter to Jean Lafitte, one of the three leaders of a band of pirates infesting that region.

Barataria Bay lay about 60 miles south of New Orleans. Stretching across its entrance was Grand Terre, an island two miles long and a quarter of a mile wide. About a mile to the west of this lay Grand Island, and between the two was a pass about a mile in width affording an easy entrance from the gulf to the harbor of Barataria. Taking possession of Grand Terre, the pirates fortified the islands, built store houses and dwellings, laid out farms and orangeries, and sold the plunder which they smuggled up to New Orleans by various passages.\*

It was to this place that Captain Nicholas Lockyer was sent in the *Sophie*. After firing at an inbound vessel and forcing her to run aground, Lockyer dropped anchor about six miles off shore. He then sent to Jean Lafitte a packet containing four documents: the first, a proclamation of Nicholls to the people of Louisiana and Kentucky; the second an address to the Baratarians threatening the destruction of the place if they did not join Great Britain in her war against the United States and put their armed ships under the command of Nicholls; the third, an offer to Jean Lafitte of the rank of captain in the British service and protection to his person

and property; and the fourth, instructions from Percy to Lockyer to the effect that, if Lafitte cared to serve England, his ships should be made ready for an attack on Mobile.\* After reading the letters, Lafitte gave assurance that he would accept the offer, but asked for two weeks to put his affairs in order.† Lockyer then agreed to return in fifteen days. After his departure, Lafitte gathered up his letters and sent them to an old friend in New Orleans, asking also whether to make overtures to the United States. What advice was given is unknown, but a few days later Lafitte wrote to Claiborne offering his services to defend Louisiana, in reward for which he asked that the proscription against him be stopped by an act of oblivion for all that he had done.‡

Claiborne was in a quandary, for Colonel George T. Ross and Master Commandant Daniel T. Patterson were then engaged in equipping an expedition to destroy Lafitte.¶ On September 11, with three barges full of troops, Patterson dropped down the river, joined by six gunboats and a schooner, and on September 16 cap-

\* Latour, *War in West Florida and Louisiana*, pp. 17-19 and App. iii.; Lossing, *War of 1812*, p. 1018; Frost, *Life of Jackson*, pp. 350-351; Parton, *Life of Jackson*, vol. i., pp. 584-585.

† Latour, *War in West Florida and Louisiana*, pp. 19-21 and App. iv.; Parton, *Life of Jackson*, vol. i., p. 587. James (*Military Occurrences*, vol. ii., p. 341) accuses Lafitte of playing a "deep game" with the British officers.

‡ Latour, *War in West Florida and Louisiana*, pp. 21-22 and App. v.; McMaster, vol. iv., pp. 176-178; Frost, *Life of Jackson*, pp. 351-352.

¶ Parton, *Life of Jackson*, vol. i., p. 589.

\* Latour, *War in West Florida and Louisiana*, p. 12 *et seq.* (The maps accompanying this chapter are based on those of Latour.)



tured Grand Island and Grand Terre, seven piratical cruisers, and three armed schooners. At Barataria, Patterson spent a week destroying houses, stores and property, and toward the end of the month returned with his prizes to New Orleans. In the meantime, the day appointed for Lockyer's return to Barataria had arrived, but he did not come, his little fleet having been badly worsted at Mobile.\*

Percy and his ships had been sent to bombard Fort Bowyer, a battery established by General Wilkinson on a bare sand point, at the entrance to Mobile Bay.† In the fort Jackson had placed 130 men of the 2d United States infantry under Major William Lawrence.‡ The armament of the fort consisted of 20 guns, of which 8 (2 24-pounders and 6 12-pounders) were serviceable.§ To reduce the fort, Percy took with him the *Hermes*, 22 guns, the *Carron*, 20 guns, and the *Sophie* and *Childers*, 18 guns each. The land force at Percy's command consisted of 60 marines and 120 Indians, with two light field-pieces.§

\* McMaster, vol. iv., pp. 178-179.

† For a description of the fort, see Latour, *War in West Florida and Louisiana*, p. 30 *et seq.*

‡ *Ibid.* p. 34; Lossing, *War of 1812*, p. 1019; Frost, *Life of Jackson*, p. 273; Hamilton, *Colonial Mobile*, p. 378. Others say 160 men.

§ Parton, *Life of Jackson*, vol. i., pp. 601-602.

§ The ship and land forces are as given in Adams, *United States*, vol. viii., pp. 322-323. Adams follows the British account (probably James, *Military Occurrences*, vol. ii., p. 343 *et seq.*). Lossing (*War of 1812*, p. 1020) substitutes the *Anaconda* for the *Childers* and says the land force consisted of 130 marines and 600 Indians.

On September 12 the marines and the Indians were landed on the beach in the rear of the fort and were stationed behind the sand hills.\* On the 15th the *Sophie* came to anchor within range of the fort, while the *Carron* and *Childers* anchored so far out that their carronades were useless. The officers of the fort solemnly bound themselves not to surrender until the ramparts had been battered down and the garrison almost destroyed.† For an hour the firing from the ships, the fort, and the battery behind the sand hills was incessant. Then the superior American gunnery began to tell. The cable of the *Hermes* was cut and she was swept slowly down stream by the current. As she went, the Americans raked her from stem to stern. She finally grounded and Percy, fleeing with his wounded to the other ships, set her afire.‡ The *Sophie* now withdrew from the zone of fire and, followed by the *Carron* and the *Childers*, returned to Pensacola, while the

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See also Armstrong, *Notices of the War of 1812*, vol. ii., pp. 157-158. A. P. Hayne, Inspector General of the seventh military district, places the force at 100 marines and 300 Indians.—*American State Papers, Indian Affairs*, vol. i., p. 860. Latour (p. 39) gives to the *Hermes* and *Carron* 28 32-pounders each, 18 to the *Sophie* and 16 to the *Anaconda* (which he substitutes for the *Childers*).

\* Though the map (based on Latour's) discloses some discrepancies in the text, it shows the position of the fort and the plan of attack, which are of utmost importance.

† Latour, *War in West Florida and Louisiana*, p. 36; Lossing, *War of 1812*, pp. 1020-1021.

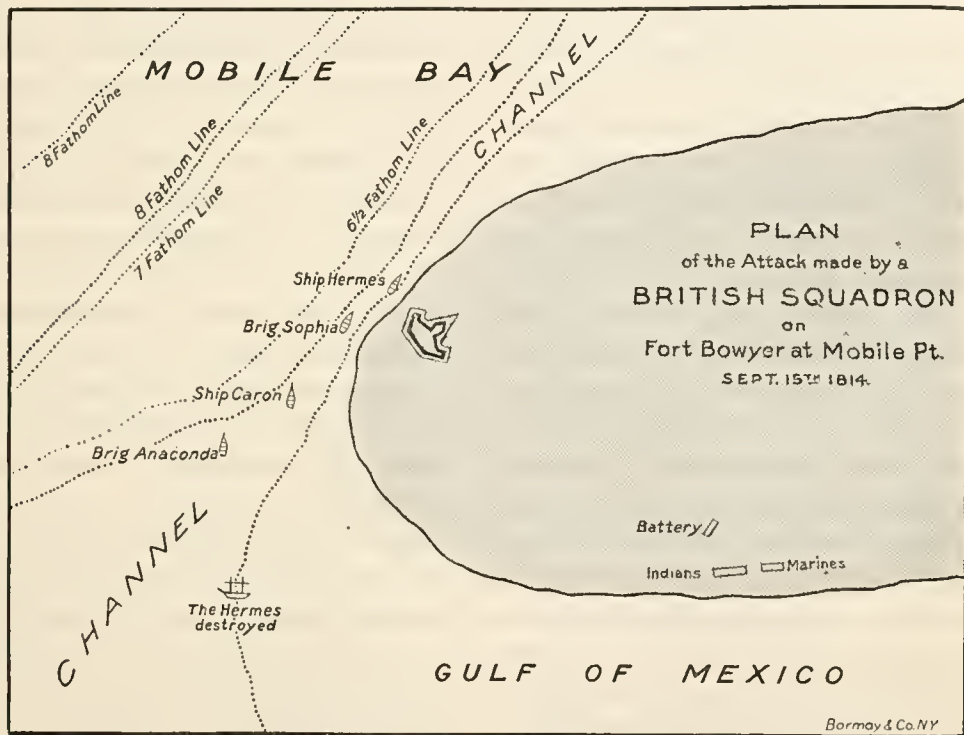
‡ Hamilton, *Colonial Mobile*, p. 379. See also the report in *American State Papers, Indian Affairs*, vol. i., pp. 860-861.



marines and Indians, having put their guns aboard the vessels, went to the same place by land.\* The total British loss was 232, of whom 162 were killed,† while the total American loss was 4 killed and 5 wounded.‡

Jackson would have followed to Pensacola, had sufficient troops been

tions, much in the style of that of Nicholls, one addressed to the Louisianians and the other to the free negroes, calling on them to enlist.\* While Jackson was waiting at Mobile Monroe at Washington had received warnings from various places that New Orleans would be attacked. On



at hand, but he was forced to await the arrival of the 2,500 men summoned from Tennessee. On September 21, 1814, greatly pleased by the success at Fort Bowyer, he issued two proclama-

\* Parton, *Life of Jackson*, vol. i., pp. 607-608; Latour, *War in West Florida and Louisiana*, pp. 38-39.

† Latour, *War in West Florida and Louisiana*, p. 40.

‡ Adams, *United States*, vol. viii., pp. 322-324; McMaster, vol. iv., pp. 179-180; Brackenridge, *History of the Late War*, pp. 285-286.

September 25 and October 10, 1814, Monroe wrote to Jackson that a British force consisting of 12,000 or 15,000 men had sailed from Ireland to take Mobile, New Orleans, and the surrounding country. But Jackson, bent on taking Pensacola, ignored the Secretary's letters. On September 9

\* Parton, *Life of Jackson*, vol. i., pp. 612-615; Latour, *War in West Florida and Louisiana*, App. xvi.-xvii.; Lossing, *War of 1812*, p. 1022; Frost, *Life of Jackson*, pp. 275-277.

he acquainted Monroe with his intention, who, on October 21, forbade the step. He reiterated the warning that the British forces undoubtedly would be directed against Louisiana, but he did not order Jackson to New Orleans, nor did he inform him that arms would be sent there.

Meanwhile the Tennessee brigade under John Coffee had passed through the lower country and on October 25 arrived at Mobile.\* The force under Coffee was somewhat in excess of the number required, there being 2,800 men.† At Mobile Jackson had some Mississippi troops, a few Choctaw Indians, and four regiments of United States infantry. With the Tennesseans, he thus had more than 4,000 troops.‡ Despite Monroe's letters, Jackson still paid no attention to New Orleans, but on November 3, with 4,100 men, started for Pensacola.¶ Upon his arrival on the 6th, he sent a flag with a message to Manriquez, the Spanish governor, but as the flag advanced the fort opened fire and compelled it to return.§ Jackson thereupon encamped for the night, and discovering that the place was defended

by British as well as Spanish soldiers, determined to storm it the next day.\* On the 7th, deceiving the Spaniards as to the quarter from which he meant to attack, Jackson divided his force into three columns, marched along the beach so as to avoid the fire of the fort and the shipping, and, approaching the town, ordered the middle column to charge. On entering the principal street a battery of two guns opened fire, but it was carried at the point of the bayonet,† and soon the governor surrendered the town and fort unconditionally.‡ The British abandoned Fort Barrancas on the 6th and blew up the town after it capitulated.¶ Jackson remained at Pensacola only two days and by the 11th was back at Mobile, where he remained until November 22, as though in doubt as to his next best course.§

Nothing indicated that Jackson felt anxious about the safety of New Orleans, although the British expedition was then at Jamaica. This indifference greatly alarmed the President and the Secretary of War, and on December 7 and 10 Monroe wrote two letters to Jackson urging him to

\* Parton, *Life of Jackson*, vol. i., p. 617.

† Buell (*History of Andrew Jackson*, vol. i., p. 356) says that of these Coffee declined the services of 1,000 because they had families who needed their support.

‡ Lossing, *War of 1812*, p. 1022. Buell (*History of Andrew Jackson*, vol. i., pp. 347-348) makes the total 3,000.

¶ Buell (*History of Andrew Jackson*, vol. i., p. 352) says 2,800 men.

§ Latour, *War in West Florida and Louisiana*, pp. 45-46; Frost, *Life of Jackson*, pp. 279-281.

\* Parton, *Life of Jackson*, vol. i., p. 619.

† Latour, *War in West Florida and Louisiana*, pp. 47-48.

‡ Lossing, *War of 1812*, pp. 1022-1023; Buell, *History of Andrew Jackson*, vol. i., pp. 353-355; Armstrong, *Notices of the War of 1812*, vol. ii., pp. 159-161.

¶ Latour, *War in West Florida and Louisiana*, pp. 48-50; Frost, *Life of Jackson*, p. 282; Parton, *Life of Jackson*, vol. i., p. 622.

§ McMaster, vol. iv., p. 181; Adams, *United States*, vol. viii., pp. 328-330.

proceed with all haste to the defence of New Orleans. But Jackson merely dispatched separate bodies of troops to various parts of the country and proceeded by easy stages to New Orleans, where he arrived on December 2.

If Jackson's conduct could be called negligent, that of the government and the people of Louisiana was shameful. Edward Livingston had no doubt of the genuineness of Lafitte's letters sent to Claiborne and took the lead in calling a meeting of citizens at the Coffee House to consider the danger threatening the city. A committee of safety was chosen, but nothing further was done.\* The governor then called a special session of the legislature, but that body neither voted money, raised troops nor adopted a plan of defence, so that when Jackson arrived on December 2 the city was utterly unprepared to defend itself.† The magazines were empty; there was a deficiency of munitions of war, of clothing, and of the requisites of defence; there were no funds or credit, the banks paid no coin, all business was at a standstill, and all confidence was gone.‡ Immediately on reaching New Orleans, therefore, Jackson called for gangs of slaves to erect

fortifications in the marshes.\* The Baratarians, on a pledge of pardon, offered Jackson their services, which were gladly accepted, to the effective defence of New Orleans.† Besides, Jackson released and armed the convicts in the calaboose, and every person in the community received incessant and pressing intimations of what the indefatigable commander expected of him.‡

Immediately after his arrival, Jackson started to inspect Fort St. Philip on the river 60 miles below.‖ He returned to New Orleans on December 11 and, believing that the British would approach by the river, ordered the erection of works to arrest their advance. He then rode out to Chef Menteur and Lake Pontchartrain on the north, which he thought the next probable point of attack.§ The banks of the Mississippi were fortified, a battery was erected at the Rigolets, or pass leading from Lake Borgne into Lake Pont-

\* Parton, *Life of Jackson*, vol. ii., p. 31.

\* Latour, *War in West Florida and Louisiana*, p. 29. For the resolutions and proclamation of the meeting, see *ibid*, app. xiii.-xiv.; Frost, *Life of Jackson*, pp. 292-296.

† Brackenridge, *History of the Late War*, p. 290. In his general orders of January 21, 1815, Jackson said: "The brothers Lafitte have exhibited \* \* \* courage and fidelity and the general promises that the government shall be duly apprised of their conduct."—King, *New Orleans*, p. 207. On February 6, 1815, the President proclaimed their full pardon. Accounts of the services of the Baratarians in defending New Orleans will be found in the *Southern Birouac* (August 1886); *Magazine of American History* (October, 1883); *The Century* (April, 1883); G. W. Cable, *Circles of Louisiana*; Julius Chambers, *The Mississippi River*, pp. 245-248 (1910).

‡ King, *New Orleans*, pp. 219-220.

† Lossing, *War of 1812*, pp. 1023-1024.

‡ Latour, *War in West Florida and Louisiana*, pp. 52-54.

‖ Latour, *War in West Florida and Louisiana*, pp. 54-56; Frost, *Life of Jackson*, p. 305.

§ Parton, *Life of Jackson*, vol. ii., pp. 32-33.



chartrain, a strong battery and a garrison were placed at the mouth of the Bayou St. John, and a flotilla consisting of five gunboats, a schooner, and a sloop was stationed at the bay of St. Louis, 60 miles to the northeast of New Orleans.

Meanwhile the British expedition was approaching the coast. This consisted of 50 of the finest ships of the English navy, armed with 1,000 guns and carrying nearly 20,000 soldiers and sailors. On the transports were some of the regiments that had fought at Bladenburg, Washington and Baltimore, two negro regiments from the West Indies, four regiments that had served under Wellington in the Peninsular campaign, and some Highlanders from the Cape of Good Hope, all under the command of Sir Edward Pakenham.\* After landing at Chandeleur Island at the entrance of Lake Borgne on December 10, the troops were at once transferred from the heavy ships to the light ones, and, under convoy of some gunboats, entered the lake, where they beheld six American gunboats drawn up as if to meet them. Lieutenant Thomas A. C. Jones, the commander of the flotilla, decided it best to retire and oppose the entrance of the invaders into Lake Pontchartrain.† On the 12th the schooner *Sea Horse*, in the bay of St. Louis, finding it impossible to escape,

was set on fire and blown up.\* The other vessels then retired. On the night of December 12 about 980 seamen and marines were embarked on 45 launches and barges to search for the American gunboats. The latter had become becalmed and were compelled by the tide to anchor. On December 14 the British boats overtook the American vessels and, after a sanguinary contest, captured and destroyed them with a loss to themselves of only 17 men killed and 77 wounded.‡ The American lost 6 killed and 35 wounded.‡ There were now only two public vessels left to dispute the passage of the British up the river—the *Louisiana* (16 long 24's) and the *Carolina* (12 12-pound carronades and 2 long 12's), commanded by Captain Daniel T. Patterson.||

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\* Cooper, *Naval History*, vol. ii., p. 142; Latour, *War in West Florida and Louisiana*, pp. 59-60; Maclay, *History of the Navy*, vol. ii., pp. 40-41; Roosevelt, *Naval War of 1812*, pp. 343-344; Frost, *Life of Jackson*, p. 308.

† Lossing (*War of 1812*, p. 1026) gives the British force as 1,200 and their loss as about 300 killed and wounded. Frost (*Life of Jackson*, pp. 308-310) also gives these numbers.

‡ Wilkinson's *Memoirs*, vol. i., p. 535; Latour, *War in West Florida and Louisiana*, pp. 57-62 and app. xix.; Jones' report in Fay, *Official Accounts*, pp. 293-295; Maclay, *History of the Navy*, vol. ii., pp. 41-42; Roosevelt, *Naval War of 1812*, pp. 344-346, 459-460; Cooper, *Naval History*, vol. ii., pp. 143-144; Spears, *History of the Navy*, vol. iii., pp. 232-238; Gleig, *Campaigns*, pp. 261-264; James, *Military Occurrences*, vol. ii., p. 349 and app. lxxviii.-lxxxii.

|| Phelps, *Louisiana*, p. 267; King, *New Orleans*, pp. 222-223; Adams, *United States*, vol. viii., pp. 335-336; McMaster, vol. iv., p. 183; the accounts from the Subaltern and Jones quoted in Parton, *Life of Jackson*, vol. ii., p. 41 *et seq.*

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\* Gleig, *Campaigns*, pp. 244-245; Parton, *Life of Jackson*, vol. ii., pp. 38-39.

† Lossing, *War of 1812*, p. 1025.



News of the disaster reached Jackson as he was returning from his tour of inspection down the river. Within a few hours riders with orders were speeding over the country in every direction. The officer in charge of Fort St. Phillip was directed to hold the fort while a man lived to point a gun.\* Expresses were sent to Coffee at Baton Rouge and to Carroll and General John Thomas wherever they might be found on the river, urging them to hasten with all possible speed to New Orleans.† General James Winchester was cautioned to be watchful, to guard the route to Fort Jackson, and to defend Mobile at all hazards.‡ A proclamation to the people of New Orleans was issued asserting that the district must and would be defended, and that every man who did not appear with arms in his hands to dispute the British would be dealt with accordingly.|| At the same time Jackson recommended that the Legislature suspend the writ of habeas corpus, but, finding the Legislature dilatory and inactive, he declared the city under martial law.§ The expresses sent out by Jackson to the

various commanders soon brought results. Coffee received the summons on December 17 and set out the next morning with 1,250 men. In two days he had made 120 miles, on the night of December 19 camping with 800 men\* within 15 miles of New Orleans having been forced to leave behind those who could not stand the rapid pace.† On November 27 Carroll with the Tennessee brigade left Nashville and arrived at New Orleans on December 21. A battalion of Mississippi volunteers likewise hurried down.‡

Meanwhile the British had lost no time. Their advance had disembarked on the Isle aux Poix in Lake Borgne on the night of December 14, and during the following week 7,000 troops with their equipment were transported in small boats over the 30 miles between the ships and the island.|| As soon as the troops on Isle aux Poix were ready to move, 1,688§ under Colonel William Thornton were dispatched toward the Mississippi. Crossing the lake and passing five miles up the Bayou Bienvenu, they attacked the plantation of Major Gabriel Villeré, capturing the major, his militia and all his family. Villeré, however, escaped to New Orleans and announced the arrival of the enemy,

\* Parton, *Life of Jackson*, vol. ii., p. 56.

† Latour, *War in West Florida and Louisiana*, p. 65.

‡ Frost, *Life of Jackson*, p. 311.

|| Parton, *Life of Jackson*, vol. ii., pp. 57-58.

§ Frost, *Life of Jackson*, pp. 317-318; Buell, *History of Andrew Jackson*, vol. i., pp. 377-378; McMaster, vol. iv., pp. 183-184; Adams, *United States*, vol. viii., pp. 336-337; Lossing, *War of 1812*, pp. 1026-1027; Latour, *War in West Florida and Louisiana*, app. xxi.

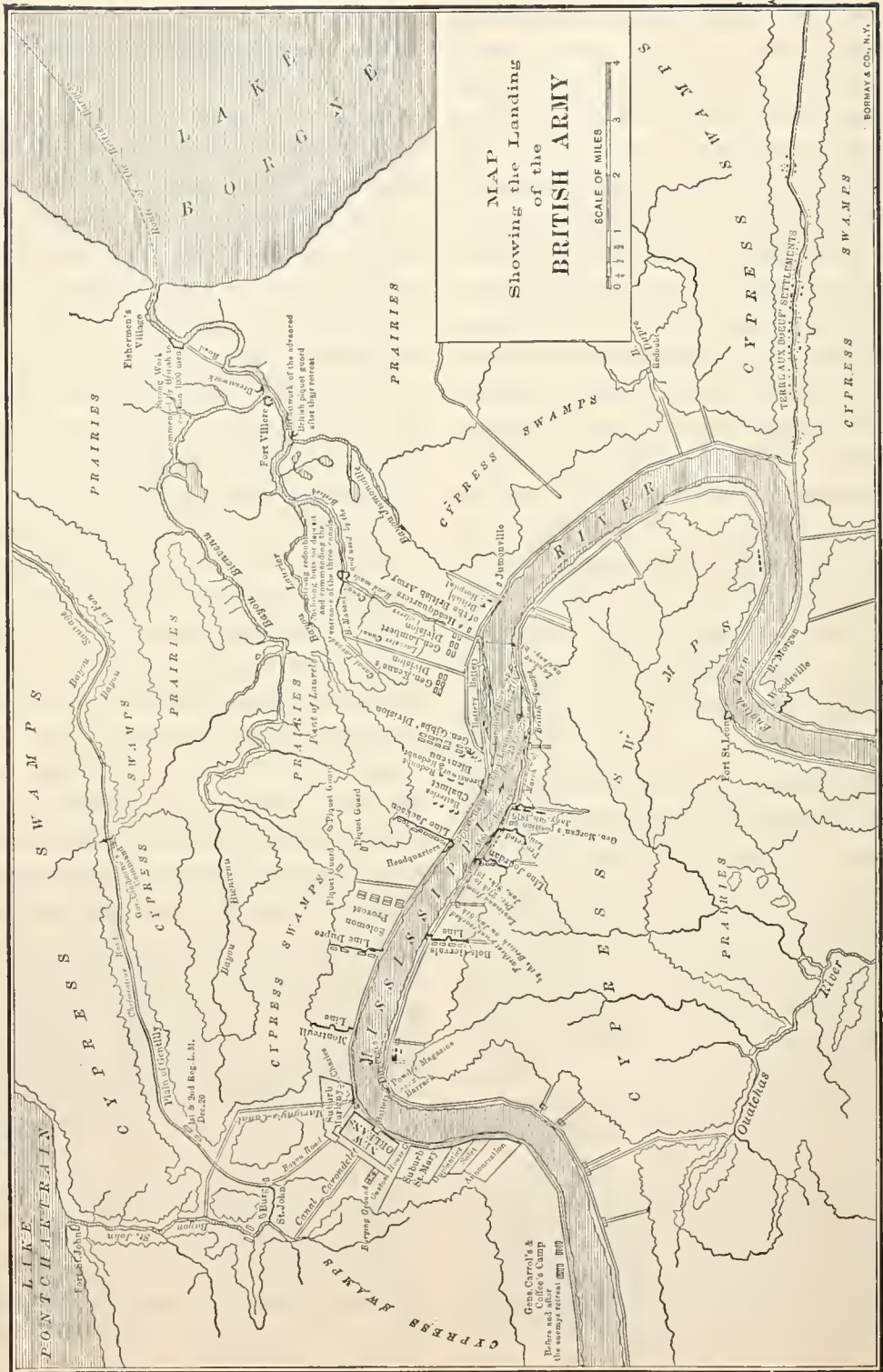
\* Eaton, *Life of Jackson*, p. 290.

† Parton, *Life of Jackson*, vol. ii., p. 65.

‡ *Ibid*, pp. 65-66.

|| Gleig, *Campaigns*, pp. 265-267.

§ James, *Military Occurrences*, vol. ii., p. 355. Gleig (*Campaigns*, p. 274) says 1,600; Lossing (*War of 1812*, p. 1028) says 1,800.



who were then but six miles from that city.\*

It is a mooted question whether the British might not have captured the city if they had attacked it immediately. But, instead of venturing upon such an attempt, Major-General John Keane, the commanding officer, halted his men within pistol-shot of the river and bivouacked in the open. This afforded Jackson an opportunity to show his mettle. At about 2 o'clock on the afternoon of December 23 Major Latour, who had approached within rifle-shot of the British force, reported to Jackson the position and numbers of the enemy,† and on this information the general decided to attack. For this purpose he had about 5,000 regulars, volunteers, and militia, with two 6-pound field-pieces. Besides, at New Orleans lay the *Carolina*, armed with 1 long 12-pounder and 6 12-pound carronades on her broadside.‡ The 16-gun sloop of war *Louisiana* was also at New Orleans, but not ready for immediate action. Thus Jackson had an immense advantage over the 1,700 British troops, since they had only two 3-pounders and rockets.||

Aware of his superiority, Jackson

left about half of the force to guard the town and with 2,131 men started at 5 o'clock to annihilate the British detachment.\* Jackson was obliged to make his main attack in narrow column along the road. To gain the advantage, therefore, he detached Coffee with over 700 men to skirt the edge of the cypress swamp, wheel to the right, and attack the British flank and rear, while he himself, with 1,400 men and the two guns, struck the British advance on the levee.† The signal for the land attack was to be given by the guns of the *Carolina*, which, as darkness came on, had dropped down the river and anchored close in shore abreast of the British camp. She was to fire seven broadsides and then send up three rockets as the signal for attack.‡ As soon as she was anchored, shortly after 7 o'clock, the *Carolina* discharged a deadly shower of grape among the British soldiers,|| and 10 minutes later Jackson, who was waiting two miles above, began

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\* Parton, *Life of Jackson*, vol. ii., pp. 74-75. In his official letter Jackson says he had only 1,500, but Latour (p. 105) in a detailed statement makes the total 2,024, besides which Jackson had 107 Mississippi dragoons, who, because they were on horseback, took no part in the action. Buell (*History of Andrew Jackson*, vol. i., p. 376) gives slightly different figures. He says also that altogether the British had 7,000 troops within two hours' march of the scene of battle.

† Lossing, *War of 1812*, pp. 1030-1031; Parton, *Life of Jackson*, vol. ii., p. 85.

‡ Buell, *History of Andrew Jackson*, vol. i., pp. 387-388.

|| Gleig, *Campaigns*, p. 286; Frost, *Life of Jackson*, pp. 328-329; Buell, *History of Andrew Jackson*, vol. i., pp. 389-390.

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\* Parton, *Life of Jackson*, vol. ii., p. 69 *et seq.*; Gleig, *Campaigns*, pp. 278-279. Lossing (*War of 1812*, p. 1029), however, says that a young Creole had already warned Jackson.

† Latour, *War in West Florida and Louisiana*, p. 88; James, *Military Occurrences*, vol. ii., p. 361.

‡ Roosevelt, *Naval War of 1812*, p. 347. Buell (*History of Andrew Jackson*, vol. i., p. 388) gives different statistics.

|| Adams, *United States*, vol. viii., pp. 343-345.



the advance.\* Moving down the road with his regulars and New Orleans volunteers, Jackson struck the British outposts a few minutes before 8 o'clock and drove them back.† Thornton then ordered up the 85th and 95th regiments, 800 rank and file, to support the outposts and thus to check Jackson's advance.‡ In his official report of December 27 Jackson says that a heavy fog arose about 8 o'clock and occasioned some confusion among the different corps. Fearing the consequences of the further prosecution of a night attack with troops then acting together for the first time, he contented himself with lying on the field that night.¶ Although the battle was severest where Jackson commanded, it was most successful where Coffee attacked. When the *Carolina* opened fire, Coffee advanced on the British flank, striking it nearly opposite the *Carolina's* position. The British were thus surrounded, and so great became the confusion that at times Coffee found nothing but squads of men gathered about their officers to oppose him.§ Little by little the

British were forced back toward the river, finally taking refuge behind a low levee about 300 yards from the river. The thickening fog, the smoke of the battle, and the darkness contributed to the confusion and knots of men in great disorder swept over the field, here advancing, there retreating, firing into friend and foe, and fighting with clubbed weapons, fists and knives.\* At last, under the protection of the levee, the British made a stand. At the same time several divisions of the 21st and 93d regiments arrived on the field, whereupon, despairing of further success, Coffee withdrew his men from the scene of conflict.† Keane reported his loss as 46 killed, 167 wounded, and 64 missing, a total of 277.‡ Jackson reported a loss of 24 killed, 115 wounded, and 74 missing, a total of 213.¶ General Jackson, as we have seen, lay on the field that night, but at 4 o'clock the next morning fell back to a position about two miles nearer the city, where the swamp and the Mississippi converged most and where his line of advance would,

\* King, *New Orleans*, p. 231; Roosevelt, *Naval War of 1812*, pp. 347, 465-466; Cooper, *Naval History*, vol. ii., p. 145; Maclay, *History of the Navy*, vol. ii., pp. 42-44.

† Parton, *Life of Jackson*, vol. ii., pp. 85-91.

‡ Gleig, *Campaigns*, p. 288; Lossing, *War of 1812*, p. 1031.

¶ See the report in Fay, *Official Accounts*, pp. 279-281. See also Frost, *Life of Jackson*, pp. 336-338; Latour, *War in West Florida and Louisiana*, p. 100.

§ Roosevelt, *Naval War of 1812*, p. 467; Parton, *Life of Jackson*, vol. ii., p. 91 *et seq.*

\* Gleig, *Campaigns*, p. 291 *et seq.*; King, *New Orleans*, pp. 232-233; Lossing, *War of 1812*, p. 1032; Buell, *History of Andrew Jackson*, vol. i., pp. 392-393.

† Frost, *Life of Jackson*, pp. 333-335.

‡ James, *Military Occurrences*, vol. ii., pp. 529-533. See, however, Buell, *History of Andrew Jackson*, vol. i., p. 398.

¶ Roosevelt, *Naval War of 1812*, p. 468; Lossing, *War of 1812*, p. 1032 note; Parton, *Life of Jackson*, vol. ii., p. 103.



therefore, be the shortest and most tenable.\*

During the day and night of December 24 the British rushed the main body of their troops from the Isle aux Poix across Lake Borgne to the Bayou Bienvenue, and by Christmas morning more than 6,000 men had been concentrated at the Villeré Plantation, with Sir Edward Pakenham and Sir Samuel Gibbs in command. According to British authorities, their precise number on December 25, when Pakenham took command, was 5,040 rank and file. Afterward many more arrived, so that on January 6, 5,913 rank and file, or, including officers, not less than 6,500 Europeans, were encamped at Villeré's plantation. Besides there were two West India regiments numbering 1,043 rank and file, and about 1,200 marines and seamen; so that, deducting 800 men for camp duty, Pakenham could have put in the field a force of 8,000 disciplined troops, well officered and well equipped, to oppose whom Jackson had altogether about 5,000 infantry.†

When Jackson retired from the field of the night battle, he halted his

troops about five miles below New Orleans. Between the river and the swamp, the strip of open and cultivated land was narrower than elsewhere. A space of about 1,000 yards alone required strong defence. A shallow, dry canal 10 feet wide (called the Canal Rodriguez) stretched across the plain from the river on one side to the swamps on the other. All day long the troops with the negroes of the neighborhood were busy deepening the canal and throwing up a parapet behind it.\* Thus his front was a breastwork nearly a mile long, extending from the river into the swamp until it became impassable, and for the last 200 yards taking a turn to the left. The *Louisiana* descended the river to a point about two miles below Jackson's line, and about a mile below her in her old position opposite the British camp, lay the *Carolina*. Pakenham's first task was to drive away the two ships, since he could not allow his flank to be exposed to the fire of 15 or 20 heavy guns. Accordingly two days (December 25 and 26) were spent dragging 9 field-pieces, 2 howitzers and a mortar across the swamps to the levee.† At dawn of the 27th, as the guns were ready, the British opened with hot

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\* Frost, *Life of Jackson*, p. 339; Adams, *United States*, vol. viii., pp. 345-352; McMaster, vol. iv., pp. 185-186; Phelps, *Louisiana*, p. 270; Stephen Crane, *The Brief Campaign Against New Orleans, December 14, 1814, to January 8, 1815*, in *Lippincott's Magazine*, vol. lxx., pp. 405-411 (1900); Latour, *War in West Florida and Louisiana*, pp. 89-112 and app. xxiii.-xxv.

† Adams, *United States*, vol. viii., pp. 352-354. See also C. T. Brady, *The True Andrew Jackson*, p. 91 *et seq.*; Charles Francis Adams, *Lee at Appomattox and Other Papers*.

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\* Latour, *War in West Florida and Louisiana*, p. 113; Lossing, *War of 1812*, pp. 1034-1035. Regarding the story of placing cotton bales in the breastwork, see Parton, *Life of Jackson*, vol. ii., pp. 110-111.

† Gleig (*Campaigns*, p. 310) gives these figures. See also Parton, *Life of Jackson*, vol. ii., pp. 112 *et seq.*, 125.

shot and shell on the *Carolina*, which was soon set afire and destroyed.\* The *Louisiana* was next attacked, but, after sustaining a severe fire, she was hauled beyond range and escaped up the river.†

The way was then clear for an advance upon New Orleans, and the naval stores, artillery, and ammunition were brought up from the ships that the grand attack might be made without delay. This delay, though a short one, had enabled Jackson to strengthen his position and to make the needful preparations to impede the British advance. On December 28 the British army moved forward and continued the march for about three miles without halt or hindrance, but suddenly and to his great surprise, Pakenham beheld the half-finished breastworks of Jackson and immediately halted, fell back out of range, and ordered the troops to tent themselves.‡ The seamen were again set to work and guns were dragged through three miles of bog to the British headquarters. The Americans prepared batteries also and the plain

in their front was swept by 1 long 32-pounder, 3 long 24-pounders, and 1 long 18-pounder, besides which there were 3 long 12-pounders, 3 long 6-pounders, a 6-inch howitzer and a small brass carronade.\* On the west bank of the river, about three-quarters of a mile away, Captain Patterson established a battery of 1 long 24-pounder and 2 long 12-pounders, which covered the British batteries in flank. Thus the Americans possessed 16 guns, 6 of which were heavy pieces of long range. The British had about 30 pieces planted in eight batteries,† the main batteries being about 700 yards from Jackson's lines.

Toward 9 o'clock on the morning of January 1, after the fog had risen, the British opened on Jackson's line with a heavy discharge of shot and a shower of rockets,‡ but after the fire had continued without intermission more than two hours, the precision of the American gunners compelled the British gunners to abandon their batteries and desert their guns.|| On the other hand, the American works were comparatively uninjured, though three of the American guns, including the 32-pounder, were more

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\* Cooper, *Naval History*, vol. ii., p. 145; Maclay, *History of the Navy*, vol. ii., p. 44; Roosevelt, *Naval War of 1812*, pp. 347-348, 469; Frost, *Life of Jackson*, p. 355; Parton, *Life of Jackson*, vol. ii., pp. 129-131.

† King, *New Orleans*, pp. 237-238; McMaster, vol. iv., p. 186; Adams, *United States*, vol. viii., pp. 355-356; Maclay, *History of the Navy*, vol. ii., pp. 44-45; Cooper, vol. ii., pp. 145-146; Roosevelt, p. 348; Lossing, *War of 1812*, p. 1035; Latour, *War in West Florida and Louisiana*, p. 118, and App. xxvi.-xxvii.

‡ Roosevelt, *Naval War of 1812*, p. 470; Parton, *Life of Jackson*, vol. ii., pp. 135-141.

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\* Latour, *War in West Florida and Louisiana*, p. 147 *et seq.* Buell (*History of Andrew Jackson*, p. 418) gives different figures.

† Gleig, *Campaigns*, p. 324; Adams, *United States*, vol. viii., pp. 357-361. See, however, the note in Roosevelt, p. 471.

‡ Latour, *War in West Florida and Louisiana*, p. 132.

|| Buell, *History of Andrew Jackson*, vol. i., pp. 418-422; Frost, *Life of Jackson*, pp. 360-362; Parton, *Life of Jackson*, vol. ii., p. 156 *et seq.*

or less damaged and two of the artillery caissons were blown up by the British rockets. The American loss was 11 killed and 23 wounded, while the British reported a loss of 76 killed and wounded and two missing between January 1 and 5, most of whom fell in the artillery battle.\*

Failing in these attacks and fearing to storm the American line, Pakenham decided to wait an entire week for Major-General John Lambert, then on his way with two fresh regiments. Meanwhile Admiral Cochrane suggested a plan for throwing a force over the river to turn Jackson's line from the opposite bank. Across the Mississippi opposite the British was Patterson's battery, and against this the British now prepared to move. Cochrane suggested that the draining canal in the rear of the Villeré plantation be deepened and extended to the river without the knowledge of the Americans. Thus boats might be floated to the back of the levee, dragged over its top, and launched on the Mississippi. Troops were then to be sent across to silence the battery, while the army in three columns, unhindered by the fire on their flank, fell upon Jackson's line.† The work was begun on January 4 and not until

late on January 6, when it was completed,\* did Jackson suspect the movement. On that day Lambert's division arrived.‡

The west bank was practically undefended when Jackson first heard that the British were about to occupy it. The guns of Patterson's battery were not in position to cover their own bank against attack from below. Major Latour had been engaged in laying out lines of defences on the west bank, but nothing had yet been completed. About a mile below the line of Jackson's work a bastion had been raised close to the river and near it a small redan or salient had been constructed, but this work was untenable in case of an attack from flank or rear. It was occupied by 550 Louisiana militia in command of Colonel David Morgan. On the afternoon of January 7, after the British plan had been surmised, Morgan mounted 2 6-pounders and 1 12-pounder on his lines, and late the same evening Jackson ordered 400 men of the Kentucky division to reinforce Morgan. They were to go to New Orleans first to obtain muskets, but upon their arrival there found only about 200 muskets, and as a result not more than 250 armed men, weary with marching and faint from hunger, reached Morgan's headquarters on the morning of January 8.‡

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\* Gleig, *Campaigns*, pp. 318, 325-326; Lossing, *War of 1812*, pp. 1038-1041; King, *New Orleans*, pp. 239-243; Adams, *United States*, vol. vii., pp. 361-366; McMaster, vol. iv., pp. 186-187; James, *Military Occurrences*, vol. ii., p. 370; Roosevelt, *Naval War of 1812*, pp. 471-473, Latour, *War in West Florida and Louisiana*, p. 135.

† Roosevelt, *Naval War of 1812*, p. 475.

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\* Gleig, *Campaigns*, p. 329.

† Lossing, *War of 1812*, p. 1041; Parton, *Life of Jackson*, vol. ii., p. 170 *et seq.*

‡ Parton, *Life of Jackson*, vol. ii., pp. 177-178.



Thus Morgan had less than 800 men with which to oppose whatever force the British might send to the attack.\*

Just as the Kentuckians arrived in Morgan's redoubt, the British on the eastern shore were forming to begin the assault. On the night of the 7th Pakenham detached about 1,200 men in command of Colonel Thornton† to cross the river and carry the American works there. Having effected this, Thornton was to signal his success and then Generals Gibbs and Keane were to make their attack.‡ But Colonel Thornton was long in getting the boats afloat, and dawn had come before the first detachment of about 350 men had pushed off from the levee.¶ Swept down by the current, the men landed about 6 o'clock far below the battery and formed as rapidly as possible. Meanwhile on the eastern bank Pakenham had drawn up his troops and was impatiently waiting for the first sound of Thornton's attack. As no signal came and fearing every moment's delay, Pakenham decided to begin the assault immediately. A rocket went up from the edge of the swamp, a single cannon answered from the American line, and then the artillery opened with a roar.

The arrangements made by Paken-

\* Adams, *United States*, vol. viii., pp. 367-371; Roosevelt, *Naval War of 1812*, pp. 477, note, 479.

† Buell (*History of Andrew Jackson*, vol. ii., p. 4) says only 980 men.

‡ Lossing, *War of 1812*, p. 1042.

¶ Armstrong, *Notices of the War of 1812*, vol. ii., p. 170.

ham for the assault were simple. Six of the 18-pound guns were mounted in battery, about 800 yards from the American line, to cover the attack. After Thornton's corps had been detached, the army was organized into three divisions, one of which, under General Gibbs, was to attack Jackson's left, a second under General Keane to attack along the riverside, and a third, the reserve, to be in command of Major-General Lambert.\* The principal attack was to be made by Gibbs, commanding about 2,200 rank and file.† Keane had about 1,200 rank and file, while the reserve consisted of about 1,200 troops with the 200 artillerymen and 500 troops of the West India companies. Thus, of the whole British force, 5,300 were to assault Jackson's lines, 1,200 were to cross the river and assault Morgan, and the rest were assigned to various duties.‡

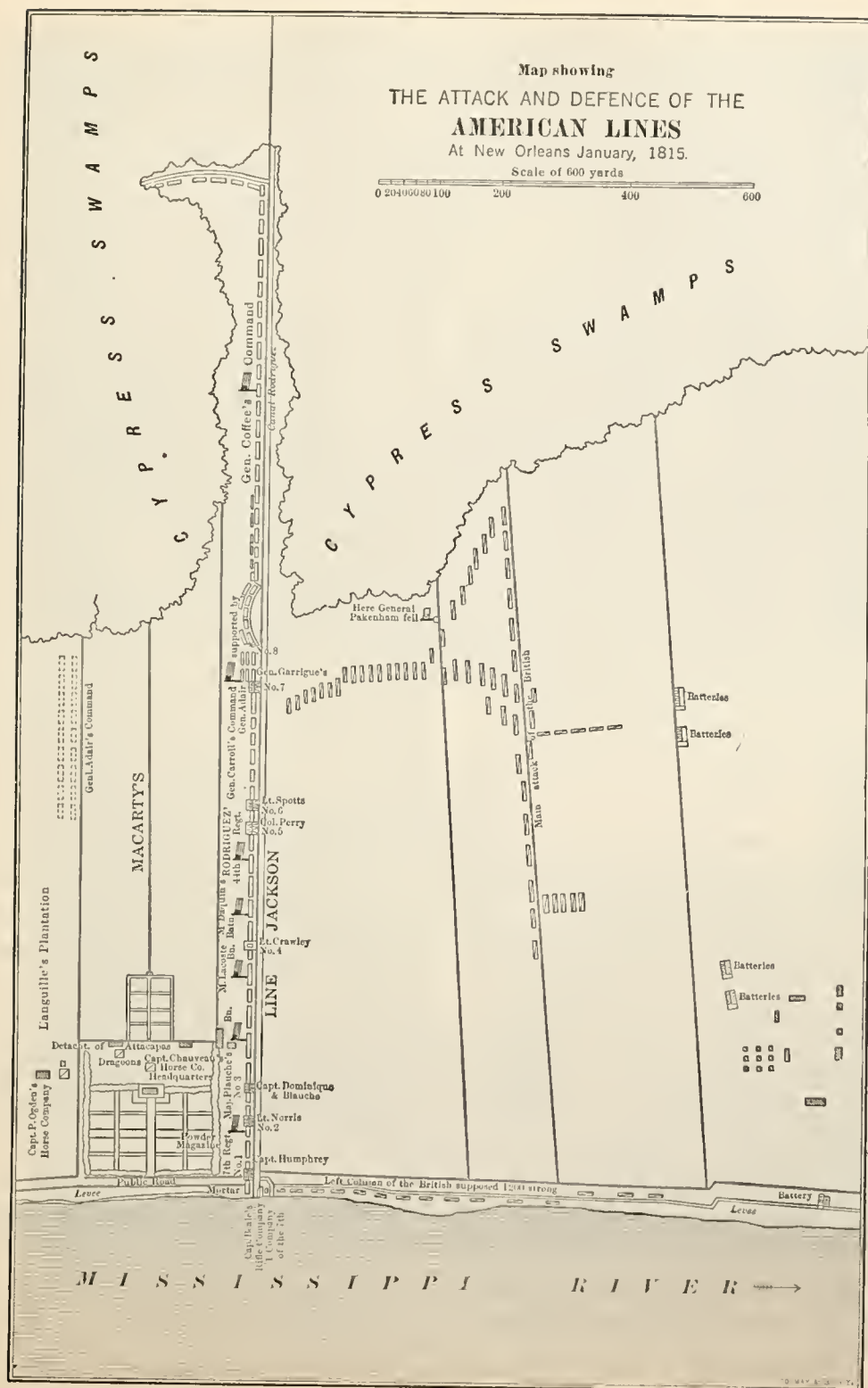
To repel this assault, Jackson's numbers were the smallest element. His line of defence ran along the inner ridge of the Rodriguez canal, from the river bank to the woods, and thence to the swamp. On the plain it

\* Gleig, *Campaigns*, pp. 330-332.

† Parton, *Life of Jackson*, vol. ii., pp. 189-190. Gleig (*Campaigns*, p. 331) states this a little differently.

‡ Roosevelt (*Naval War of 1812*, p. 476) makes the number of men 8,453 and, adding 13.3 per cent. for officers and others, a total of 9,600. Buell (*History of Andrew Jackson*, vol. i., pp. 431-432) places the total force facing Jackson at 10,084, divided as follows: column of first attack under Gibbs, 2,392; column to support a second attack, under Keane, 2,660; reserve under Lambert, 5,032.





was a rude, uneven earthwork, sufficiently high to require scaling, and the mud in front of which was so slippery as to afford little footing. The earthwork in the woods was a double row of logs, two feet apart, filled in with earth. Behind the line were gathered as motley an array of men as ever fought under one banner, consisting of sailors, regulars, a battalion of Louisiana Creoles in gay uniforms, Dominique You and Baluche with the swarthy crews of their pirate ships, a battalion of negroes, a battalion of San Domingans, some old French soldiers, Carroll's Tennesseans in brown homespun hunting-shirts, John Adair and his Kentuckians, and last of all, standing knee deep in the water of the swamp, Coffee's brigade of 800 Tennesseans. The centre of Jackson's line was defended by Carroll's brigade of 1,414 men, and the right near the river by 1,327 men, including all the regulars, while Adair's Kentucky brigade of 325 men was held in reserve.\* Besides the 3,025 men on the breastwork and those in reserve, Jackson had 12 field-pieces distributed along the line and covering every portion of the plain. On the opposite shore was Patterson's battery containing 3 24-pounders and

6 12-pounders, which covered the levee by which the British left must advance. Such a force was sufficient to repulse 10,000 men if the attack were made in broad daylight.\*

About 6 o'clock on the morning of the 8th the British columns advanced against the American works. The column under Gibbs came under fire first. It advanced near the swamp in close ranks, with 60 men in front. This part of the line was defended by the Kentucky and Tennessee riflemen. About 400 yards in front of the breastwork was a ditch, and behind this the British, loaded down with knapsacks, scaling ladders and fascines, formed for the attack. As the single rocket shot into the air, the British troops, cheering lustily, moved forward to the slaughter.† Two of the American batteries (Nos. 7 and 8) opened upon them.‡ Coming within 150 yards of the American line, the British column obliqued to the left so as to avoid the fire of the battery directly in face. Veterans though they were, the fire poured upon them was too great; the men faltered and halted and began a confused musketry fire. A few platoons advanced to the edge of the ditch and then broke, fleeing back to the ditch

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\* Adair claimed that the Kentuckians numbered 1,000. Roosevelt (pp. 476, note, 478) makes the total on the east bank 4,700. Buell (*History of Andrew Jackson*, vol. i., pp. 426-428) makes the total on both banks and in reserve 5,094, which differs only slightly from the official reports of January 10, which place the aggregate at 5,045.

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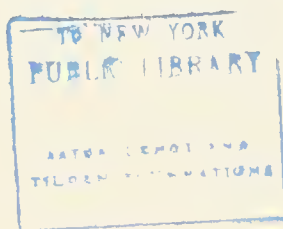
\* Adams, *United States*, vol. viii., pp. 372-374; McMaster, vol. iv., p. 188; Lossing, *War of 1812*, pp. 1042-1043.

† Frost, *Life of Jackson*, pp. 373-374.

‡ Buell, *History of Andrew Jackson*, vol. ii., pp. 12-13. Parton (*Life of Jackson*, vol. ii., p. 195) says three batteries, nos. 6, 7, 8.



1. ANDREW JACKSON AT THE BATTLE OF NEW ORLEANS.  
2. DEATH OF GENERAL PAKENHAM.





whence they had come.\* Other reinforcements were received and a new column started forward on the run, but this, too, recoiled. Pakenham, whose courage was inferior to that of none of his compeers, strenuously endeavored to rally the panic-stricken and disheartened troops. Waving his hat and calling on them to follow, he persuaded the troops to attack again, but reached the edge of the ditch only to fall in front of his men.† Soon after General Gibbs was mortally wounded.‡

Meanwhile, far on the left, some West Indians had made an attack, but they, too, had been repulsed. Far on the edge Keane's column had moved along the road between the river and the levee, pressing forward in solid column, but greatly annoyed by Patterson's battery on the west bank. The column had charged a redoubt a few yards in front of the line and were rushing forward to storm the main breastwork when the concentrated fire of the whole American right opened upon them and almost immediately drove the column back in disorder.|| A few of the men, mounting on one another's shoulders, succeeded in entering the works, but only

to be overpowered by numbers.\* After the enemy had been repulsed with frightful slaughter from the main works, the small battery in front of the lines was captured. "It was in vain," says Gleig, "that the most obstinate courage was displayed. They fell by the hands of men whom they absolutely did not see; for the Americans, without so much as lifting their faces above the rampart, swung their firelocks by one arm over the wall, and discharged them directly upon their heads. The whole of the guns, likewise, from the opposite bank, kept up a well directed and deadly cannonade upon the flank; and thus were they destroyed without an opportunity being given of displaying their valor, or obtaining so much as revenge."† Major-General Keane being severely wounded, the command of the army passed to Major-General Lambert, who instantly withdrew the troops.

Meanwhile Colonel Thornton's men had crossed the river so slowly that when the assault on Jackson's line began he had but 600 rank and file.‡ Nevertheless, with the support of

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\* Buell, *History of Andrew Jackson*, vol. ii., pp. 30-31; Parton, *Life of Jackson*, vol. ii., pp. 200-201.

† *Campaigns*, p. 335. See also Latour, *War in West Florida*, pp. 153-164 and app. xxix., lxxl. Lossing (p. 1046) says that, of the 900 men of the 93d with 25 officers who went into the fight, only 130 men and 9 officers could be mustered at its close.

‡ Regarding the number see Roosevelt, *Naval War of 1812*, p. 484; Buell, *History of Andrew Jackson*, vol. ii., p. 36.

\* Buell, *History of Andrew Jackson*, vol. ii., pp. 13-22; Parton, *Life of Jackson*, vol. ii., p. 196.

† King, *New Orleans*, pp. 247-248; Roosevelt, *War of 1812*, p. 282; Lossing, *War of 1812*, pp. 1044-1046; Buell, *History of Andrew Jackson*, vol. ii., pp. 22-24.

‡ Parton, *Life of Jackson*, vol. ii., p. 198.

|| King, *New Orleans*, p. 245; Lossing, *War of 1812*, pp. 1046-1048.

three gunboats, Thornton attacked Morgan's line, routed it, turned the redoubt and advanced on Patterson's battery of heavy guns. In the attack on Morgan's line Thornton was wounded, but his troops advanced against Patterson, compelled him to spike his guns, and pushed their way up the river a mile behind Jackson's line.\* The British loss was nearly 70 killed and wounded.† Jackson was helpless. All he could do was to watch the progress of Thornton's column on the opposite shore. Had the enemy pressed their advantage, Jackson would have been compelled to sacrifice his lines; but, fortunately, Lambert withdrew his troops without another effort, and Jackson was safe.‡ Thornton's force was recalled from the other side of the river, as it was deemed impossible to hold that post.||

The total British loss is variously stated. So dreadful a carnage, considering the length of time and the numbers engaged, has seldom been recorded, for on the field of battle lay about 2,000 British dead and wounded, while the American loss altogether was only 71. According to Adams, the total loss was 2,036.§

\* Latour, *War in West Florida and Louisiana*, p. 165 *et seq.* and App. xxix., lxvi.; Frost, *Life of Jackson*, pp. 383-385; Gleig, *Campaigns*, pp. 336-339.

† Adams, *United States*, vol. viii., pp. 377-379; McMaster, vol. iv., p. 189; Parton, *Life of Jackson*, vol. ii., pp. 213-217.

‡ Lossing, *War of 1812*, pp. 1048-1049.

|| Buell, *History of Andrew Jackson*, vol. ii., p. 38.

§ Adams, *United States*, vol. viii., pp. 379-381. Roosevelt (pp. 483, 485-486) says the same as

After the battle Lambert's position was critical, but fortunately, Jackson contented himself with checking his advance. A flag of truce was dispatched by the British commander with proposals to bury the dead, and a truce of two days was arranged for that purpose.\* Lambert then took immediate measures to effect his escape from his perilous position. The sick and wounded, together with whatever baggage and ammunition could be spared, were sent on board the vessels. He kept up a menacing attitude, however, and artillery fire was indulged in until the night of January 18, when the whole British army silently withdrew to a fortified position at the mouth of the bayou. There the army remained until January 27, when it was reëmbarked in the ships off Chandeleur island.†

does Gleig (*Campaigns*, p. 343). Buell (*History of Andrew Jackson*, vol. ii., p. 33) says the actual casualties by gunshot were something over 3,000. On p. 41 Buell gives the casualties as follows: killed on the field, 381; died of wounds, 477; total killed, 858; wounded and permanently disabled (discharged), 1,251; wounded and temporarily disabled (returned to duty), 1,217; total, 2,468; grand total, 3,326. See also Parton, *Life of Jackson*, vol. ii., p. 209 *et seq.*; James, *Military Occurrences*, vol. ii., p. 388.

\* Frost, *Life of Jackson*, pp. 389-391; Parton, *Life of Jackson*, vol. ii., p. 233.

† In addition to the authorities already cited on the battle of New Orleans, see Alexander Walker, *Jackson and New Orleans* (1856); *Civil and Military History of Andrew Jackson* (1825); Dawson, *Battles of the United States*, vol. ii., p. 309; Cullum, *Campaigns of the War*, chap. viii.; P. M. Davis, *Official and Full Detail of the Great Battle of New Orleans* (1836); *An Authentic Narrative of the Memorable Achievements of the American Army before New Orleans* (1856); *Memoirs of Admiral Codrington*, chap.



PLAN OF THE BATTLE OF NEW ORLEANS, DRAWN BY ANDREW JACKSON





Meanwhile the British fleet on the coast was inactive. On the day of the battle a squadron entered the river with the intention of reducing the works at Fort St. Philip, ascending the river, and coöperating in the attack on the city. The *Herald*, *Sophie* and *Tender*, with two bomb-vessels, began the bombardment of the fort on January 11 and continued it with little interruption until January 18. At the end of this time, finding that no serious impression had been made, they dropped down the river and put to sea.\*

Still the British seemed loath to depart without striking another blow. Having been reinforced by 1,000 fresh soldiers, Lambert decided to attack Fort Bowyer. At daylight on the morning of February 8 a brigade and a heavy battering train were disembarked in the rear of the fort and began the bombardment. In the fort were 360 men under command of Lieutenant-Colonel William Lawrence. As his force was not sufficient to with-

stand the British attack, Lawrence had no choice but to capitulate, which he did on February 11.\*

Though the British had departed, Jackson did not relax his vigilance and discipline, but vigorously maintained martial law. Rumors of peace soon arrived, but Jackson refused to be governed by rumors and not until early in March of 1815, when official word came from Washington, did he consent to change the routine of his camp. By that time he had become involved in a dispute with the civil authorities. On March 3 Louis Louaillier, a member of the Legislature, wrote an article in one of the local papers criticising some of Jackson's orders and urging that martial law be abolished. Considering the publication seditious, Jackson ordered Louaillier's arrest, but Judge Dominic A. Hall of the district court issued a writ of *habeas corpus* in favor of the offender. Thereupon Jackson convened a court-martial to try Louaillier and ordered the arrest of Hall and his expulsion beyond the limits of the city. He also sent an officer to obtain from the clerk of the court the original writ of *habeas corpus*. Louaillier was acquitted of the charges brought against him, but was kept in jail until the official notification of peace was received. On

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vii.; R. H. Burgoyne, *Historical Records of the 93d Sutherland Highlanders* (London, 1883); J. H. Cook, *Narrative of Events in the South of France and of the Attack on New Orleans in 1814-15* (London, 1834); Richard Trimien, *Regiments of the British Army* (London, 1878); Stephen Crane, *The Brief Campaign Against New Orleans*, in *Lippincott's Magazine*, vol. lxx., pp. 405-411 (1900); *A Concise Narrative of Gen. Jackson's First Invasion of Florida and of His Immortal Defence of New Orleans* (by Aristides, the pseudonym of William P. Van Ness).

\* Lossing, *War of 1812*, pp. 1050-1051; Adams, *United States*, vol. viii., pp. 382-383; Latour, *War in West Florida and Louisiana*, pp. 187-197 and app. xxxiv.

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\* Latour, *War in West Florida and Louisiana*, pp. 207-216 and app. xxxix; Roosevelt, *Naval War of 1812*, p. 488; Frost, *Life of Jackson*, pp. 400-401; Hamilton, *Colonial Mobile*, pp. 382-383; Parton, *Life of Jackson*, vol. ii., pp. 259-269.

March 22 the district court required Jackson to show cause why he should not be punished for contempt of court in taking away the original writ, disobeying the writ, and imprisoning the

judge. Jackson refused to answer save by a general vindication and was fined \$1,000. In 1843, however, this fine, with interest (total \$2,700) was refunded by Congress.\*

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## CHAPTER XXV.

### 1812-1815.

#### THE NEGOTIATIONS FOR PEACE.

Russia's offer to mediate and England's final determination to negotiate — Terms demanded by the British and the Canadians — Castlereagh's instructions — Rejection of the British demands — British concessions — Effect of American victories on British demands — Wellington's advice — Disputes among American commissioners — Final conferences and acceptance of articles — Terms of the treaty. Appendix to Chapter xxv — Principal articles of the Treaty of Ghent.

Early in the war, as we have seen, Russia had tendered her good offices as mediator between Great Britain and the United States. In 1812 Napoleon had declared war on Russia; by August 18 he had taken Smolensk; on September 6 had fought the battle of Borodino; and on the 14th entered Moscow. But hard pressed as he was, Emperor Alexander I. found time to think of the United States; and at the very moment when the French were in the heart of his own dominions he instructed his chancellor, Count Nicholas Roumanzoff, to ascertain from John Quincy Adams, then minister to Russia, if mediation on his part would be acceptable to the United States. Adams replied favorably, but thought England should be consulted first. As Roumanzoff had already consulted the British minister (who had written to London) and as he considered

Adams' reply favorable, he drew up a proposal and sent it off to Washington without waiting to hear from England. The dispatch was communicated to Monroe on March 8, 1813, by André Daschkoff, the Russian chargé, and the offer was formally accepted by the President. † Adams was thereupon appointed envoy extraordinary and minister plenipotentiary to conclude a treaty of peace with England under the

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\* Ingersoll, *History of the Second War*, 2d series, vol. ii., pp. 242-262; Benton, *Thirty Years' View*, vol. ii., pp. 499-502; Phelps, *Louisiana*, pp. 279-283; Parton, *Life of Jackson*, vol. ii., chaps. xxii-xxiii.; Summer, *Andrew Jackson*, pp. 45-47; Lossing, *War of 1812*, pp. 1053-1054; Niles' *Weekly Register*, vol. viii., pp. 246, 272; vol. lxii., pp. 212, 326; vol. lxiii., p. 312; vol. lxiv., p. 61; Charles Dimitry, in *Magazine of American History* (May, 1886); Cyrus T. Brady, *The True Andrew Jackson*, pp. 44-48; Buell, *History of Andrew Jackson*, vol. ii., pp. 55-58, 89-94.

† *American State Papers, Foreign Relations*, vol. iii., p. 624; *Diary of J. Q. Adams*, vol. ii., p. 401.

auspices of Russia; and two other envoys (James A. Bayard and Albert Gallatin) were sent.\* The essence of their long instructions was to conclude no treaty which did not contain provisions against impressment and the right of search.†

While Bayard and Gallatin were still on the sea, the situation in Europe became complicated; for Castlereagh had informed the Russian minister that the proffered mediation could not be accepted. When Adams called upon Roumanzoff to inform him of the appointment of Bayard and Gallatin, England's action was made known to him.‡ But Roumanzoff said he would ask the czar's permission to renew the offer of mediation. Adams reported this conversation to the American government on June 26;|| but before permission to renew the offer of mediation had been received, Bayard and Gallatin arrived at Gottenburg. The news of their arrival shortly reached London and seems to have caused Castlereagh considerable uneasiness. On July 5 he wrote to Lord Cathcart saying that the offer of mediation, however kindly and liberally intended, would have the unfortunate effect of protracting the war with the United

States, since by enabling the President to hold out to the people of the United States a vague expectation of peace, he might reconcile them to whatever measures he proposed. After a week's reflection, however, Castlereagh sent Cathcart new instructions, dated July 13, directing him to inform the czar that England was ready to meet and treat with the American plenipotentiaries, provided the discussions be carried on where it would be impossible for a third power to interfere.\*

Castlereagh's refusal to accept the mediation was given to Count Lieven, the Russian ambassador, in May; it reached St. Petersburg about the middle of June, and was immediately sent by Roumanzoff to the czar (then with the army of the allies at Gitschin, Bohemia, 900 miles from St. Petersburg). No sooner did this reach him (early in July) than came Roumanzoff's note stating that his mediation had been accepted by the American government and asking whether the offer of mediation should be renewed on the arrival of the American commissioners.† Alexander thereupon bade Roumanzoff write to London renewing the offer, who hastened to obey the czar's directions. Thus Gallatin and Bayard found themselves condemned to wait two or three months for the British answer, which they knew must be unfavorable; since

\* Hunt, *Life of Madison*, p. 355.

† Stevens, *Albert Gallatin*, p. 312; McMaster, vol. iv., pp. 256-257; *Madison's Works* (Congress ed.), vol. iii., p. 566. Their instructions will be found in *American State Papers, Foreign Relations*, vol. iii., pp. 695-700.

‡ *Diary of John Quincy Adams*, vol. ii., p. 479.

|| *American State Papers, Foreign Relations*, vol. iii., p. 627.

\* McMaster, vol. iv., pp. 257-258; Adams, *United States*, vol. vii., pp. 340-342.

† Adams, *United States*, vol. vii., pp. 345-348.



on the 17th Gallatin received a letter from Alexander Baring announcing Castlereagh's determination to negotiate separately.\* Before instructions could be sent to Lieven, Castlereagh's letter announcing the willingness of England to treat directly with the United States reached Catheart at the czar's headquarters in Bohemia. This was the most critical moment of the European war. On that day the armistice expired and a new campaign was about to begin. Therefore Catheart did not communicate the contents of his dispatches to Count Nesselrode before September 1, after the allies had been beaten and Alexander had fled to Töplitz. The ambassador said that, although he was not able to accept Russian mediation, the prince regent desired to see the beneficent wishes of Alexander carried into effect; and as he heard that the American plenipotentiaries had arrived in Russia, he was ready to nominate ministers to treat directly with them at London or at Gottenburg.† Neither the czar nor Nesselrode communicated Catheart's note to Roumanzoff, and hence the American commissioners were in ignorance of the attitude of the British government. Toward the end of September Alexander received a communication from Roumanzoff containing a renewal of the mediation offer to be

dispatched to Lieven at London. On August 28, though only a fortnight since he had received Catheart's official note, Alexander wrote to Roumanzoff approving the dispatch to Lieven and begging him to follow up the affair.\* Catheart knew nothing of the czar's second letter to Roumanzoff (dated September 20) and Nesselrode was equally ignorant of it. The czar's motive in directing his two ministers to act in ignorance of and in conflict with each other's instructions was perplexing. Roumanzoff became aware of this perplexity when Lieven refused to present to Castlereagh his note of August 28 renewing the offer of mediation. The revelation greatly mortified Roumanzoff, who immediately sent Lieven's dispatch to the czar without comment, requesting him to read it and to give his instructions.†

A copy of Catheart's note to Nesselrode was sent to London and, under cover of another dated November 4, by Castlereagh to Monroe at Washington.‡ This letter was received by the President on January 3, 1814, and on the 5th the overture was formally accepted.|| On January 6 Madison sent a message to Congress transmitting copies of the letter,§ and on the 8th instructions were sent to Bay-

\* *Diary of J. Q. Adams*, vol. ii., p. 531.

† *Adams, United States*, vol. vii., pp. 348-354.

‡ *American State Papers, Foreign Relations*, vol. iii., p. 621.

|| *Ibid.*, pp. 622-623.

§ *Richardson, Messages and Papers*, vol. i., p. 542.

\* *Gallatin's Writings*, vol. i., pp. 547-548. For Gallatin's answer, see pp. 564-567.

† *American State Papers, Foreign Relations*, vol. iii., pp. 621-622.



ard and Gallatin at St. Petersburg bidding them go to Gottenburg.\* But Bayard and Gallatin had already left St. Petersburg for Amsterdam on January 25, reaching there on March 4.† On their journey across northern Europe the envoys were impressed with the popularity of England and the spirit of opposition to France. When they entered London the people were wild with joy over the capture of Paris and the downfall of Napoleon. America seemed to be the only part of the world where British authority was defied, and the press of England unanimously demanded that the United States be thoroughly chastised before terms of peace were discussed, that she might be taught that she could not with impunity make war upon the ruler of the seas.‡ As to the terms of peace, the papers demanded that the United States be interdicted the fisheries, that Spain be supported in recovering Florida, and that the right of impressment must be conceded. Great Britain was to be given the right to search American vessels for British subjects; Louisiana must be given up; Americans were not to be allowed to catch or dry fish on the coasts of Nova Scotia, Labrador, Newfound-

land or the Magdalen Islands; a large part of Maine must be given up and control of the St. Lawrence vested in Canada by the surrender of a strip of land in New York north of a line drawn from Plattsburg to Sackett's Harbor; troops were to be withdrawn from the Northwest; the eastern bank of the Niagara must be ceded and an Indian territory formed reaching from Sandusky to the Kaskaskia.\*

So unreasonable did these demands seem to Gallatin that toward the middle of June he wrote a despondent letter regarding them to Monroe, saying that under the existing unpropitious circumstances he did not believe that by continuing the war America could compel Great Britain to yield any of the maritime points in dispute and particularly to agree to any satisfactory arrangement on the subject of impressment. He thought the most favorable terms that could be expected were the *status ante bellum*.† Just then Emperor Alexander visited London. Gallatin called upon him in the hope that Russian influence might moderate the British demands, but received little encouragement.‡ A

\* See Madison's letter to Jefferson October 14, 1814, *Madison's Works* (Congress ed.), vol. ii., p. 589; McMaster, vol. iv., p. 261; Adams, *United States*, vol. ix., pp. 6-8.

† Stevens, *Albert Gallatin*, p. 328; Adams, *Life of Gallatin*, p. 514. See also Gallatin's *Writings*, vol. i., pp. 611-613, 627-629.

‡ Stevens, *Albert Gallatin*, p. 327; Adams, *Life of Gallatin*, p. 514; Babcock, *Rise of American Nationality*, pp. 174-175. For Gallatin's note to the Emperor, see Gallatin's *Writings*, vol. i., pp. 629-631.

\* *American State Papers, Foreign Relations*, vol. iii., p. 701.

† Gallatin's *Writings*, vol. i., p. 600; Stevens, *Albert Gallatin*, pp. 316-323; McMaster, vol. iv., pp. 259-260.

‡ For the criticisms and abuse of the English press, see Adams, vol. vii., p. 356 *et seq.* and vol. ix., p. 1 *et seq.*

few days later Bayard and Gallatin set off for Paris, where they joined the other members of the commission.

For the work of negotiating the peace treaty Madison had nominated and the Senate had confirmed John Quincy Adams, Albert Gallatin, James A. Bayard, Henry Clay, and Jonathan Russell, the newly appointed minister to Sweden. The first three were already in Europe and Clay and Russell set sail on February 27, reaching Gottenburg soon after.\* Castlereagh, however, delayed the negotiation six weeks after the American commissioners assembled at Ghent.† His instructions to the British representatives reflected the demands of the press. They offered not the *status ante bellum* (the state before the war) but the *uti possidetis* (the state of possession). This latter condition was likely to cost the Americans dearly, since half of Maine be-

tween the Penobscot and the Passamaquoddy, the northern part of New York, Vermont and New Hampshire, Fort Niagara, and Michillimackinac (or Mackinaw) were in the hands of the British, with possibly New Orleans and Mobile soon to follow. Besides, the Americans were to admit at the very outset as a *sine qua non* for any negotiation that England's Indian allies, the Northwestern tribes, should be included in the pacification and that a definite boundary be assigned to them under a mutual guarantee from both powers. Eastport or Moose Islands and the fishing privileges were to be regarded as British.\* With these instructions (of July 28), the British commissioners (Lord Gambier, Henry Goulbourn and William Adams) early in August started for Ghent, which had been selected as the meeting place in preference to Gottenburg.

On August 8 the first conference took place. After credentials had been presented and the usual ceremonies were over, Goulbourn announced that the British commissioners were authorized to discuss only four things: First, impressment, and in connection with it the king's rights to the allegiance of native born British subjects; second, the Indian boundary line and the admission of the Indians to a general pacification — a *sine qua non*; third, a revision of the Canadian boundary; and fourth,

\* Hunt, *Life of Madison*, p. 356.

† In a letter to his father on October 27, 1814, J. Q. Adams says: "The whole compass of the diplomatic skill employed by the British Government in this negotiation has consisted in consuming time, without coming to any conclusion.

\* \* \* Their first dilatory proceeding was to defer the appointment of their Commissioners until official notification should be given them, by the American ministers themselves, that they were at the place of meeting which had been agreed upon. One full month was gained by this. The next device was, to propose the transfer of the negotiation to Ghent, which absorbed six weeks more; and then they left us from the 24th of June to the 6th of August waiting here for the appearance of their Plenipotentiaries."—*Madison's Works* (Congress ed.), vol. ii., p. 597. See also the letter of the envoys to Secretary Monroe, October 25, 1814, *American State Papers, Foreign Relations*, vol. iii., pp. 710-711.

\* Adams, *United States*, vol. ix., pp. 9-10.

the fisheries.\* Goulbourn said that in revising the Canadian boundary the British were not attempting to acquire territory and that, though depriving the Americans of the right to fish in British waters, they had no desire to deny their right to fish in the deep sea.† The American commissioners replied on August 9 that they had no instructions regarding the fisheries or the Indians, no one expecting these undisputed subjects to be discussed, but that they had specific instructions regarding the Canadian boundary, allegiance and impressment,‡ and on several other

subjects not mentioned by the British commissioners.\* They said that the conference should consider the indemnity claims of private persons for seizure and capture of property and also the definition of a blockade.† The British commissioners then demanded that the Indian territory be made a barrier between the United States and the British possessions and that neither government should purchase any of this territory, though the Indians might sell it to a third party.‡ The Americans absolutely refused to consider this demand, whereupon the British commissioners proposed to suspend conferences until they could receive further instructions, which was done.||

Lord Castlereagh was prompt. In ten days the instructions came and came by his own hand, he reaching Ghent on the evening of August 18. His instructions were dated August 14 and their stipulations were still more impertinent and humiliating. It was frankly stated that the purpose of the Indian article was to erect a permanent barrier between the western settlements of the United States and Canada, so as to prevent the two from touching. The southern bound-

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\* Stevens, *Albert Gallatin*, p. 329; McMaster, vol. iv., p. 263; Adams, *United States*, vol. ix., pp. 17-18. The diplomatic correspondence is in *American State Papers, Foreign Relations*, vol. iii., pp. 695-748 and vol. iv., pp. 808-811. The diary of J. Q. Adams is in his *Memoirs*, vol. ii., pp. 603-622 and vol. iii., pp. 3-144. Gallatin's letters are in Adams' ed. of *Gallatin's Writings*, vol. i., pp. 545-647. Clay's letters are in Colton, *Private Correspondence of Henry Clay*, pp. 24-44.

† *American State Papers, Foreign Relations*, vol. iii., p. 705.

‡ Regarding impressment, Monroe had written to the commissioners on June 27: "On mature consideration, it has been decided, that, under all the circumstances alluded to [the reports regarding the state of feeling in England], incident to a prosecution of the war, you may omit any stipulation on the subject of impressment, if found indispensably necessary to terminate it." But, he added, "You will, of course, not recur to this expedient until all your efforts to adjust the controversy in a more satisfactory manner have failed. As it is not the intention of the United States, in suffering the treaty to be silent on the subject of impressment, to admit the British claim thereon, or to relinquish that of the United States, it is highly important that any such interference be entirely excluded, by a declaration or protest, in some form or other, that the mission is not to have any such effect or

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tendency. Any modification of the practice to prevent abuses, being an acknowledgment of the right, is utterly inadmissible"—*American State Papers, Foreign Relations*, vol. iii., p. 704.

\* *American State Papers, Foreign Relations*, vol. iii., p. 706.

† *Ibid.*, p. 707.

‡ *Ibid.*, pp. 707-708.

|| McMaster, vol. iv., p. 264; Adams, *United States*, vol. ix., pp. 18-19.



ary of this strip was to be the line of the Greenville treaty of 1795. Beyond the bounds of this strip neither government should acquire land.\* Gallatin thereupon asked what was to be done with the 100,000 citizens already living beyond the Greenville line in Ohio, Indiana, Illinois and Michigan. Goulbourn and Dr. Adams replied that these people must shift for themselves.† As to the Canadian boundary, the British demanded that the portion of Maine lying between the Quebec line and New Brunswick be ceded; that the line from Lake Superior to the Mississippi be revised; and that the United States should dismantle the forts at Niagara and Sackett's Harbor and never keep either naval forces, land fortifications, or any armed force on the Great Lakes, their shores, or any of the rivers emptying into them,—though Great Britain was to enjoy that privilege.‡ The British claimed also that Moose Island and the other pieces of land in Passamaquoddy Bay then in possession of the British had always belonged to them and were not a subject for discussion.

On August 20 the British commissioners sent an official note to the Americans containing their demands; but before sending their reply the Americans forwarded the note to

America with the statement that they intended to reply in the negative.\* As head of the commission, Adams was supposed to draft all formal papers. When he had prepared the answer, his draft met with little mercy;† but on August 24, after much “sifting, erasing, patching and mending until all were weary,” the commissioners finally completed the answer and submitted it to the British.‡ The Americans said that the demands bore no relation to the causes of the war, were inconsistent with the principles of public law, and were not founded on reciprocity nor any of the usual bases of negotiation—neither of *uti possidetis* or *status ante bellum*. They stated furthermore that the conditions demanded by the British would force the United States to abandon a part of her territory and a portion of her citizens; would expose the country to foreign interference in their domestic concerns and the frontiers to British invasion and Indian depredation; would prevent her from exercising her natural rights on her own shores and waters; and that, altogether, it would be so useless further to discuss the matter that they would not even submit the demands to the home government.¶ As such terms had been

\* *American State Papers, Foreign Relations*, vol. iii., p. 709.

† *Ibid*; Morse, *John Quincy Adams*, p. 80.

‡ *American State Papers, Foreign Relations*, vol. iii., p. 710; *Diary of J. Q. Adams*, vol. iii., pp. 19-25.

\* *American State Papers, Foreign Relations*, vol. iii., p. 708.

† Morse, *John Quincy Adams*, pp. 82-83.

‡ *American State Papers, Foreign Relations*, vol. iii., pp. 711-713.

¶ McMaster, vol. iv., p. 266; Adams, *United States*, vol. ix., pp. 21-22.



offered as a *sine qua non* and had been flatly refused,\* it seemed idle to expect that the negotiations could go on. Accordingly the American commissioners prepared to quit Ghent and return to their several posts while the British commissioners waited for instructions from London.†

On the last day of August George M. Dallas hurried home with copies of the demands and dispatches announcing that the mission had failed. When Dallas arrived in America he found the people flushed with the successes of Scott, Brown, Gaines, Macomb and McDonough. On October 10, just as the House was considering the resolutions of thanks to the victors, the copies of the British demands were presented. The House immediately ordered 10,000 copies printed that the insolent demands might be spread broadcast over the land.‡

Meanwhile Lord Castlereagh at Paris had heard of the manner in which the British commissioners were conducting the negotiations and expressed annoyance that the American commissioners had been allowed to place England in an attitude of continuing the war for purposes of conquest, and still more that the British commissioners had been willing to break off the negotiation on

that issue. It was manifest that such a state of affairs could not be allowed to exist and that some concession must be made. Accordingly, in the absence of Castlereagh, Lord Bathurst sent new instructions, dated September 1, to the British commissioners, the terms of which were made known to the Americans on September 4.\*

Bathurst conceded that the Indian matter, the Canadian boundary and the subject of disarmament on the lakes did not concern maritime rights but he claimed that though the war was begun in the protection of such rights, it had developed into a war of conquest, as was witnessed by the attempt on Canada, the occupation of Indian lands, the occupation of the Floridas, etc. He considered it the duty of Great Britain to protect her possessions from such attempts in the future. As to the establishment of the line of the Greenville treaty as a boundary, he was perfectly willing to withdraw the *sine qua non* and enter into a discussion of the subject. The British commissioners sent their note with these concessions to the Americans on September 19.† When the latter began the discussion among themselves, Adams proposed to break off negotiations at once, but Gallatin good-naturedly overruled him and the discussion went on. The first diver-

\* See the letters in *American State Papers, Foreign Relations*, vol. iii., p. 713 *et seq.*

† Adams, *Life of Gallatin*, vol. iii., p. 718; *Diary of J. Q. Adams*, vol. iii., p. 22.

‡ McMaster, vol. iv., p. 267; *Annals of Congress*, 13th Congress, 3d session, p. 382 *et seq.*

\* *American State Papers, Foreign Relations*, vol. iii., pp. 713-715.

† *American State Papers, Foreign Relations*, vol. iii., pp. 717-718; Babcock, *Rise of American Nationality*, pp. 180-181.

gence occurred when the subjects of the seizure of Florida and the attempt to conquer Canada were taken under discussion. Adams resented the British charges and persisted in justifying the United States in its attacks upon Florida. Having publicly denounced in Congress the Florida project, Bayard could not support such a view, which for a year Gallatin had opposed in the Cabinet.\* Clay was reticent, having made numerous speeches on the conquest of Canada. Adams produced Monroe's instructions and finally compelled his colleagues to yield. After much discussion, the note was completed and on September 26 sent to the British commissioners. In short, the Americans refused to discuss the Indian matter or the lake question and would not refer the matter to Washington.† The note was referred to London, and with it went a letter from Goulbourn charging the American commissioners with false and fraudulent statements.‡

The situation did not seem to warrant a serious hope of peace. Liverpool said that the British Cabinet had gone to the utmost justifiable point of concession and that if the Americans were so unreasonable as to reject the British proposals there was nothing to do but to fight it out. On October 1 the news of humiliating defeat

at Bladensburg and the burning of Washington reached Ghent, causing the Americans to feel that their position was growing weaker day by day.\* From London instructions came to the British representatives to give way on the matters under discussion, but to inform the Americans that the *sine qua non* was the admission of the Indians as parties to the treaties of peace. Again the Americans refused and, instead, offered general amnesty to all Indians who had fought on the side of the British. The matter being referred to London, Lord Bathurst on October 5 sent Goulbourn the draft of a reciprocal article restoring the Indians to their status before the war, which article was communicated to the Americans as an ultimatum on October 8.† By this time Harrison's treaty of July 22 with the Wyandots, Delawares, and other tribes binding them to take up arms against the British had become known; and this news lessened the interest of both parties in the Indian question. The Americans not being prepared to negotiate that point just then, the British ultimatum was accepted on the 13th.‡ Thus the Americans won the first struggle, the British dropping their demands for an Indian territory, for the military and naval supremacy of England on the lakes,

\* *Diary of J. Q. Adams*, vol. iii., p. 41.

† *American State Papers, Foreign Relations*, vol. iii., pp. 719-721.

‡ McMaster, vol. xiv., pp. 268-269; Adams, *United States*, vol. ix., pp. 28-30.

\* Joseph M. Rogers, *The True Henry Clay*, p. 81.

† *American State Papers, Foreign Relations*, vol. iii., pp. 721-723.

‡ *Ibid.*, vol. iii., pp. 723-724.

and for the inclusion of the Indians as parties to the treaty.\*

Meanwhile, by instructions dated June 27, Madison had authorized the commissioners to omit the subject of impressment from the treaty.† The President seemed to think that this was warranted by the peace in Europe, which promised to offer no further occasion for either the claim or the denial of that British prerogative. For the same reason he authorized also the elimination of the subject of blockades from the discussion. Thus the American commissioners were relieved of all their insuperable obstacles. Not so with the British, however. In their note of August 24 the American commissioners had requested the British government to choose between the *status ante bellum* and the *status uti possidetis*. Until then the *status uti possidetis* included whatever territory had been taken by General Prevost in his September campaign; and from the first Bathurst had intended to insist upon this condition, though he did not think it proper to avow such intention. But new instructions, dated October 18 and 20, finally brought the matter to a point. Bathurst said that the British occupied Fort Michillimackinac, Fort Niagara and the country east of the Penobscot, while the United

States occupied Fort Erie and Fort Amherstburg (or Malden). If the United States would restore these two forts, Great Britain was ready, he announced, to restore the forts at Castine and Machias, retaining only Fort Niagara and Fort Michillimackinac. Thus the British demand, which some time before had included half of Maine and the whole south bank of the St. Lawrence River from Plattsburg to Sackett's Harbor, suddenly dwindled to a demand for Moose Island, a right of way across Maine, Fort Niagara and its immediate vicinity, and the island of Mackinaw. The cause of this concession was not difficult to see; for, while the Cabinet was deliberating on the basis of *uti possidetis* news came that the British invasion of northern New York had failed, that McDonough had defeated the British fleet on Lake Champlain, that Prevost's army had precipitately retreated into Canada, that Ross had lost his life in his futile attempt on Baltimore, and that Drummond had been repulsed with considerable loss at Fort Erie. A time more inauspicious for the British demand could not have been found. The substance of the new instructions was sent by the British commissioners to the Americans, who on October 2 declined to treat on that or any basis other than a mutual restoration of territory.\*

\* McMaster, vol. iv., p. 269; Adams, *United States*, vol. ix., pp. 31-32; Stevens, *Albert Gallatin*, p. 331 *et seq.*; Winsor, *Narrative and Critical History*, vol. vii., pp. 485-486.

† *American State Papers, Foreign Relations*, vol. iii., p. 704.

\* *American State Papers, Foreign Relations*, vol. iii., pp. 724-725. See also Adams, *United States*, vol. ix., pp. 32-37; McMaster, vol. iv., pp. 269-270.



The rejection of the British terms, seeming to render further negotiations impossible, created consternation among the British ministry. Accordingly, a cabinet meeting was held on November 3 to review the whole matter. As no definite conclusion could be reached it was decided to shift the responsibility upon the Duke of Wellington, then ambassador at Paris. On the 4th, Liverpool invited him to take supreme command in Canada and bring the war to an honorable conclusion. Wellington's reply was practically a refusal. Furthermore he said that the British government could not on any principle of equality in negotiation claim a cession of territory save in exchange for other advantages which it had in its power. If this were so, then why should the British stipulate for the *uti possidetis*?\* Thus advised, the British ministry had no choice but to abandon its claim for territory.

Meanwhile the British commissioners at Ghent had sent a note to the Americans on October 31 asking them to draw up heads for a treaty, since the basis of *uti possidetis* had been rejected.† Adams and Gallatin thereupon began the task of drafting the formal project of a treaty, but had accomplished little when a dispute broke out over the fisheries and the navigation of the Mississippi. When

the treaty of 1783 was concluded Americans were given the right to use the northeastern fisheries as freely as when they were British subjects, and the British were given the right to navigate the Mississippi. At that time the United States claimed only one bank of the river and did not own its mouth. Then, too, the country through which it ran was little more than a wilderness. But thirty years had wrought a great change in the West, and Clay was prepared to exert all his powers to protect Western interests. Regarding the fisheries, the British put forth the claim on behalf of the Canadians that this was a privilege granted the Americans by the treaty of 1783. But as a war abrogates treaties between participants, the treaty of 1783 was ended when the United States declared war and with the end of the treaty came the end of fishery rights. The Americans, however, claimed that, as the treaty of 1783 defined boundaries and recognized independence, it belonged to that class of treaties denominated permanent and could not be affected by war; and as the articles relating to boundaries and independence were not affected, neither were the fishery rights. According to this view, the British still had the right to navigate the Mississippi, but this Clay would not concede. That England would ever use this right Adams considered unlikely, but neither the Western people nor the Canadians could be blamed if they were unwilling to

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\* Adams, *United States*, vol. ix., pp. 38-42; Stevens, *Albert Gallatin*, pp. 333-334.

† *American State Papers, Foreign Relations*, vol. iii., p. 726.



fasten upon future generations a mischievous treaty clause which might some day create untold trouble. Clay believed his popularity depended on preventing an express recognition of the British right to navigate the river, while Adams was equally determined in regard to relinquishing the fisheries.\* Naturally, therefore, when Gallatin brought forward a draft of a treaty incorporating the American rights to use the fisheries and the British rights to navigate the Mississippi, Clay and Adams took opposite sides; and when a vote was taken on inserting this article three commissioners favored and two opposed it (Russell siding with Clay).† Clay declared he would never sign a treaty containing that article, but on November 10 offered a compromise. He consented to insert, not in the project of a treaty, but in the note accompanying it, a paragraph stating that the commissioners were not authorized to incorporate into the discussion any of the rights hitherto enjoyed in the fisheries, because, “from their nature and from the peculiar character of the treaty of 1783 by which they were recognized, no further stipulation has been deemed necessary by

the government of the United States to entitle them to the full enjoyment of all of them.” Accordingly the note was completed and accepted by all, and on November 10 the treaty project with the note went to the British commissioners.\*

The American project was sent to London, where it arrived just as the British cabinet had decided on peace. On November 26 the project was returned, with the margins full of alterations.† The British note took no notice of the fisheries, but in place of the eighth article a clause was inserted demanding the free navigation of the Mississippi River for British subjects. Though Adams was quite satisfied with the British note, it was far from acceptable to Clay, who, more angry and determined than ever, boldly announced that he was willing to let Massachusetts pay for the peace she so eagerly wanted.‡ During November 28 and 29 Gallatin endeavored to reconcile the two men, urging Clay and restraining Adams until he had brought the matter to the point he wished. On December 1 another conference with the British commissioners was held at which the Americans offered to grant to British subjects the right to navigate the Mis-

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\* Morse, *John Quincy Adams*, p. 88 *et seq.*; Sargent, *Life of Clay*, p. 55; Schurz, *Life of Clay*, vol. i., pp. 110-111; Clay, *Life of Clay*, pp. 75-77.

† Winsor, *Narrative and Critical History*, vol. vii., p. 486; Sargent, *Life of Clay*, p. 57; Rogers, *The True Henry Clay*, pp. 85-87. See also the letters of Russell and others relating to this in *American State Papers, Miscellaneous*, vol. ii., p. 938 *et seq.*

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\* *American State Papers, Foreign Relations*, vol. iii., pp. 733-740; Stevens, *Albert Gallatin*, p. 334; McMaster, vol. iv., pp. 270-272; Adams, *United States*, vol. ix., pp. 44-47; *Diary of John Quincy Adams*, vol. iii., pp. 62-69.

† *American State Papers, Foreign Relations*, vol. iii., pp. 740-741.

‡ *Diary of J. Q. Adams*, vol. iii., p. 72.

Mississippi in exchange for the use of the fisheries, and Clay made no further protest.\* This proposal was sent to London, and as the British Cabinet was now bent on peace, Lord Bathurst on December 6 yielded to the wishes of the Americans and offered to leave the question of the fisheries and the navigation of the Mississippi open to future negotiation. This suggestion was communicated to the Americans. The offer implied that both rights were forfeited or subject to forfeiture by war—an implication Adams could not concede, but which the other commissioners could not challenge. Still the Americans were unwilling to yield without another struggle and refused the British offer as inconsistent with the basis of the *status ante bellum*.† A conference held with the British commissioners on December 12 resulted in nothing. During December 13 and 14 Adams pressed his colleagues to assert the American's natural right to the fisheries, insisting on the permanent character of the treaty of 1783. Gallatin, however, refused to make that point an ultimatum. Though all the commissioners save Adams had now resigned themselves to the sacrifice of the fisheries, Gallatin decided to make one more effort, and on December 14 drew up a note rejecting the British stipulation because it involved waiving a right by offering either to be silent

regarding both matters or to admit a general reference to further negotiation of all subjects in dispute.\*

Thus Gallatin's patience and judgment, aided by Bayard's support, carried all the American points without sacrificing the interests of any section of the United States. The note, dated December 14, was received by Lord Bathurst, who replied on December 19 that, as there seemed to be no prospect of agreeing regarding the fisheries, the disputed article might be omitted altogether. Accordingly these matters were dropped and on December 24 the commissioners met for the last time to sign the treaty. It was duly ratified and confirmed on February 17, 1815, and the next day was publicly proclaimed by the authority of the President.†

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\* *American State Papers, Foreign Relations*, vol. iii., pp. 743-744; *Adams, United States*, vol. ix., pp. 48-50; McMaster, vol. iv., pp. 272-273; *Diary of J. Q. Adams*, vol. iii., pp. 79-120.

† *United States Statutes-at-Large*, vol. viii., p. 218 *et seq.*; *American State Papers, Foreign Relations*, vol. iii., pp. 745-748; *U. S. Treaties and Conventions*, pp. 399-405; *Revised Statutes Relating to the District of Columbia*, pp. 287-292 (ed. 1875); Snow, *Treaties and Topics in American Diplomacy*, pp. 74-76; MacDonald, *Select Documents*, pp. 192-198. For the most important articles see Appendix I. at the end of the present chapter. Much of the correspondence is preserved in the *Documents Relating to the Negotiations for Peace* (Philadelphia, 1814). One of the commissioners later published *The Duplicate Letter, the Fisheries, and the Mississippi; Documents relating to Transactions at the Negotiations of Ghent, collected and published by John Quincy Adams* (Washington, 1822). Cf. Daniel Chapman, *Crisis On the Origin and Consequences of Our Political Discussions, to which is annexed the Treaty* (Albany, 1815).

\* *American State Papers, Foreign Relations*, vol. iii., p. 742.

† Morse, *John Quincy Adams*, p. 91.

As finally signed the treaty contained eleven articles and provided for peace between the two belligerents and for a speedy restoration of prisoners, property, archives, etc.; for the pacification of the Indians; for a better definition of the boundaries; for the restoration of all our territory, save such islands in Passamaquoddy Bay as were in dispute; and both governments pledged themselves to promote the abolition of the slave trade. Three boards of commissioners were to be appointed to determine and define the boundaries, one of these boards to meet at St. Andrews, New Brunswick, and decide in which country the ownership of Deer, Moose, Dudley, and Grand Menan Islands was vested. If these commissioners failed to agree, the matter was to be referred to arbitration.

The second commission was to settle the boundary from the St. Croix River to the St. Lawrence at latitude 45° N.; and the third was to take the line from that point to Lake Superior and from St. Mary's River to the Lake of the Woods. While the treaty was not all that could be desired, yet it was fairly satisfactory to both countries,\* neither getting any concessions not offset by gains to the other. The Americans lost their claims for British spoliation and were obliged to admit to question their right to Eastport and their fisheries in British-American waters; while, on the other hand, the British failed to establish their principles of blockade and impressment and admitted to question their right to trade with the Indians and to the navigation of the Mississippi.†

## APPENDIX TO CHAPTER XXV.

### PRINCIPAL ARTICLES OF THE TREATY OF GHENT.

**ARTICLE I.**—There shall be a firm and universal peace between His Britannic Majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other public property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives,

records, deeds, and papers, either of a public nature or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of

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\* Gallatin said: "The treaty \* \* \* is, in my opinion, as favorable as could be expected under existing circumstances, so far as they were known to us. The attitude taken by the State of Massachusetts, and the appearances in some of the neighboring States, had a most unfavorable effect."—Gallatin's *Writings*, vol. i., p. 645.

† Adams, *Life of Gallatin*, p. 546; Stevens, *Albert Gallatin*, p. 335 *et seq.*; McMaster, vol. iv., pp. 273-274.



the islands in the Bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall, in any manner whatever, be construed to affect the right of either.

ARTICLE II.—Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects and citizens of the two Powers to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea after the said ratifications of this treaty, it is reciprocally agreed that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side: that the time shall be thirty days in all other parts of the Atlantic Ocean north of the equinoctial line or equator, and the same time for the British and Irish Channels, for the Gulf of Mexico, and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator; and one hundred and twenty days for all other parts of the world, without exception.

ARTICLE III.—All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

ARTICLE IV.—Whereas it was stipulated by the second article in the treaty of peace of one thousand seven hundred and eighty-three, between His Britannic Majesty and the United States of America, that the boundary of the United States should comprehend all islands

within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia on the one part, and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the Bay of Passamaquoddy, which is part of the Bay of Fundy, and the Island of Grand Menan, in the said Bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to His Britannic Majesty, as having been, at the time of and previous to the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the Province of Nova Scotia: In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners to be appointed in the following manner, viz: One Commissioner shall be appointed by His Britannic Majesty, and one by the President of the United States, by and with the advice and consent of the Senate thereof; and the said two Commissioners so appointed shall be sworn impartially to examine and decide upon the said claims according to such evidence as shall be laid before them on the part of His Britannic Majesty and of the United States respectively. \* \* \*

ARTICLE V.—Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of Peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of Connecticut River, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the abovementioned northeast angle of Nova Scotia, thence along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean to the northwesternmost head of Connecticut River, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraguy, has not yet been surveyed: it is agreed that for these several purposes two Commissioners shall be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. \* \* \*



ARTICLE VI.—Whereas by the former treaty of peace that portion of the boundary of the United States from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraquy to the Lake Superior, was declared to be “along the middle of said river into Lake Ontario, through the middle of said lake, until it strikes the communication by water between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into the Lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior;” and whereas doubts have arisen what was the middle of the said river, lakes, and water communications, and whether certain islands lying in the same were within the dominions of His Britannic Majesty or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two Commissioners, to be appointed, sworn, and authorized to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. \* \* \*

ARTICLE IX.—The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or

nations, respectively, all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And His Britannic Majesty engages, on his part, to put an end immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations respectively all the possessions, rights, and privileges which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: Provided always that such tribes or nations shall agree to desist from all hostilities against His Britannic Majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

ARTICLE X.—Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice, and whereas both His Majesty and the United States are desirous of continuing their efforts to promote its entire abolition, it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.

## CHAPTER XXVI.

1811-1818.

### CURRENCY: BANKING: COMMERCE: INDUSTRY: TARIFF.

Operations of the Mint — Attempts to circulate bank credit-bills — Efforts to secure charters for the American Bank and the Bank of America — Banking in Massachusetts and other States — The attempt to secure a charter for a bank in the District of Columbia — The suspension of specie payment — Depreciation of bank notes — The Treasury circular — Action of the Virginia legislature — Establishment of the second Bank of the United States — The resumption of specie payment — The revival of commerce after the war — Demands for protection to American industries — Madison's message on the tariff — Discussion and passage of the tariff of 1816 — British schemes to secure American market — Petitions and memorials to Congress — Negotiation of a commercial convention with England — The passage of the “Plaster of Paris” Act — The tariff of 1818.

The war had ended and peace was restored. It was the dawn of a new era of reorganization, reconstruction and consolidation. The trials were

still great and numerous, it is true, but they were concerned with the regular pursuits of peace rather than with the honors (and horrors) of war.

Of all the problems confronting the Nation, probably the most important was that of the currency, for it had fallen into a serious and alarming state, caused in part by the war and in part by the mania for State banks which then afflicted the entire country. In 1811 small notes and bills of individuals and corporations constituted the chief circulating medium of the country. In the vicinity of the State banks, many of which had now sprung into existence, bills issued by them passed for currency. Here and there were remains of the old State paper money of 1785, and much foreign gold and silver coin which had been made legal tender by Congress was still in circulation. After 1811 \$5,000,000 in notes of the Bank of the United States had been called in and redeemed. Of the coins in circulation, those of the United States were the rarest.

The requirements were made up chiefly by the currency supplied by the State banks, by change bills, and notes put out by individual bankers, banking associations, corporations and the remonetized foreign coins. Finally these changed bills and notes became so plentiful as to be a positive evil, and in 1809 two States attempted to suppress it. North Carolina in that year fixed a limited time during which no promissory notes less than ten shillings should be drawn, and named a day after which their currency as money was to cease altogether. In Pennsylvania various individuals and

associations had gone into the banking business and, procuring paper, had issued credit bills of all denominations far beyond their ability to redeem. In 1810, therefore, the legislature passed an act forbidding the unchartered banking associations to issue notes or bills, to make loans or to receive deposits.\* This so greatly reduced the business of private banking associations that several endeavored to secure charters, though only one was successful.

Among the numerous petitions presented in 1812 was one under the name of the American Bank. The charter of the Bank of the United States having expired, the stockholders took the name of the American Bank, capitalized it at \$5,000,000, and asked that a charter for 29 years be granted. They offered to give the State \$375,000 to be used for building roads and bridges, subsequently raising this cash bonus to \$500,000, and offering to loan the State \$500,000 for internal improvements. At this time, however, the petition was not granted, but it aroused much eagerness for local banks. This tendency alarmed the governor, who, in his message to the legislature of 1812-1813, cautioned that body against what he saw was the inevitable outcome. But the people were determined to have their way, and before the legislature adjourned 31 applications for charters had been made and a bill passed

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\* Sumner, *History of American Currency*, p. 63.

creating a general banking system for the State. This called for 25 new banks, at least one of which was to be established in each of the 23 Congressional districts.\* The total capital of these 25 banks was to be \$9,525,000, of which 1 per cent. interest was to be paid each year to the State. The governor vetoed the bill in March of 1813, but at the next session of the legislature another bill was passed establishing 41 new banks, with \$17,000,000 capital.† Again he vetoed the bill, but this time it was passed over his veto, and in 1814 37 of these banks commenced business.‡

When it became known that a new charter would be refused to the Bank of the United States, some New York capitalists purchased all the stock they could buy, and in 1812 applied to the legislature for a charter, naming the new institution, with a capital of \$6,000,000, the Bank of America. For a grant of a charter running 30 years, the bank would pay \$400,000 in four annual and equal payments; another \$100,000 would be given the State, if during the next ten years no rival banks were chartered to conduct business in New York City; and a further \$100,000, if rivals were kept from doing business for 20 years. The capitalists offered the State \$1,000,000

at 5 per cent. to be used in building the Erie Canal, and \$1,000,000 at 6 per cent. to be loaned by the State to farmers on landed security. The Assembly passed a bill confirming the grant and it was about to be voted upon in the Senate when the governor prorogued the legislature for 55 days because attempts had been made to bribe some of the members and therefore, before the bill passed, it would be well to examine and refute the charges. Little good resulted from this action, for when the legislature convened, the Senate passed the bill. Upon favorable action by the Council of Revision, it became law.\*

The same state of affairs existed in the majority of the other States. In Massachusetts the charters of 16 of the existing banks would expire in October of 1812, and it was thought that these banks might be placed by one large institution, but the mania for local banks held the people and 20 banks were founded in 1812. Six local banks were established in New Jersey, three in Delaware, and three in Ohio. In Virginia a futile attempt was made to add \$1,500,000 to the capital of one of the two banks in existence. During these two years the number of banks had been raised from 88 to 208; and as all had the right to issue bills, the country once again launched upon a paper-money era. Unfortunately none of the banks could secure specie enough to redeem a small portion of their paper, as much

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\* Bishop, *History of Manufactures*, vol. ii., p. 202; Sumner, *History of American Currency*, p. 64.

† Sumner, *History of American Currency*, p. 64.

‡ McMaster, vol. iv., pp. 287-288; Babcock, *Rise of American Nationality*, pp. 217-218; Bishop, *History of Manufactures*, vol. ii., p. 202.

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\* McMaster, pp. 289-290.



of the specie was at that moment in New England, owing to the fact that its manufacturers were then supplying the domestic market with many articles which had previously been purchased from England, and thus received in payment from the other States a great amount of the specie. Again, owing to the blockade during the war, the New England ports afforded the only outlet for Southern products, as a result of which there was a large balance due the New England States by the South, which was paid in specie, thereby, stripping the Southern banks of every available dollar of specie. So great had been the drain on the Southern banks that the specie in the Boston banks grew inside of two years (1812-1814) from about \$800,000 to more than \$7,000,000.\*

On January 10, 1814, a petition was sent to Congress by several capitalists of New York requesting permission to incorporate a National bank, with \$30,000,000 capital, the bank in turn to loan the Government \$15,000,000.† The House Committee of Ways and Means reported that, under the Constitution, a bank within the limits of the States could not be chartered without the consent of the States, whereupon on February 4, 1814, Calhoun moved that an inquiry be instituted into the expediency of establishing a National bank in the District of

Columbia.\* Shortly afterward the bill was presented, read, and committed, but the matter was allowed to drop until Felix Grundy, of Tennessee, asked that a special committee make inquiry into the expediency of founding a bank. This committee was appointed, but remained inactive and was discharged just before the session ended. Hence action on the measure was postponed indefinitely.† By this time — and especially toward the close of August of 1814, when the British captured Washington — the people began to lose faith in the banks and to withdraw their money. The people in the South became panic-stricken first and began to withdraw what coin they had deposited. The banks south of Baltimore ceased to redeem their notes, forced the Baltimore banks to do likewise and finally, on August 28, unable to stand the strain, the Philadelphia banks suspended payments.

The banks of New York, Albany and other cities attempted to hold out for some time, but when news arrived from Baltimore of the suspension, matters wore a different aspect, and though the merchants and industrial boards resolved to aid the banks in every way possible, there was not a single bank in any of the seaboard States that did not suspend the payment of specie within a short time. The Government was the chief sufferer, because much of its money was

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\* Adams, *United States*, vol. ix., p. 97.

† *American State Papers, Finance*, vol. ii., p. 663.

\* Jenkins, *Life of Calhoun*, p. 81.

† McMaster, vol. iv., pp. 292-293.



deposited in the Southern banks and not a dollar of specie could be moved to the frontier to pay the troops, army creditors, etc.\* The Secretary of the Treasury then ordered the revenue collectors not to receive Treasury notes in payment of taxes or dues when the amount of the note exceeded the sum due. On the other hand, he said that, owing to the suspension of specie payment, the Government would be unable to pay in specie, but must pay its creditors in Treasury notes, unless they desired to wait until such time as the Secretary had specie with which to pay them. A few of the creditors took these notes, but on the first day of January, 1815, the Treasurer defaulted in the payment of the dividends on the funded debt due in Boston, failed to pay off two temporary loans of \$250,000 each made by the State bank at Boston, and also defaulted in the payment of \$2,800,000 of Treasury notes due in other places.

Soon the dearth of coin in the East began to affect the Western banks, for immediately upon suspension of specie payment in the East efforts were made to secure from the West what little specie the Western banks contained, the result being that early in 1815 several banks in Ohio were forced to suspend specie payment. The people suffered as well as the banks and the Treasury Department, for there was not a single coin to be had, particularly in the larger cities,

where the banks were located. As it was unlawful to issue bills less than a dollar in value, the place of silver was supplied by an illegal issue of small paper bills. In their corporate capacities, several cities also printed large amounts of notes, one cent, two cents, and six cents in value, which were sold in lots amounting to \$5 or \$10 to those who needed change, with the guarantee that they would be redeemed in bank bills and would be received in payment of taxes. New York City alone issued \$190,000 in these small notes. The banks followed suit, but, as they could not legally issue these in their own names, they induced some merchant of well-known integrity to sign the bills for them. In this manner and before the spring of 1815 the seaboard States south of New England were flooded with paper money of this character.\*

Upon the conclusion of the war, foreign trade began to revive and the evils of this paper currency became greater. The prices of all varieties of commodities at once declined, and among them specie, the premium of which inside of a few days had dropped from 14 to 3 per cent. This seemed to presage the resumption of specie payment, but these fond hopes were not realized, for the revival of trade necessitated still greater sums of money; and, while the banks made the loans necessary, they could not redeem the paper in specie, and finally

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\* Babcock, *Rise of American Nationality*, pp. 219-220.

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\* McMaster, vol. iv., pp. 296-298.

gave up all attempts to do so. This aroused the people and a bill was introduced in the New York Assembly laying a tax of 14 per cent. on all bank notes not redeemable in coin after January 1, 1816, but the banks of New York met this resolution in such a way that all further action was stopped. As a consequence of the refusal of the banks to resume specie payment, their notes began to depreciate, the notes of the Delaware banks being taken at 2 per cent. discount, of the Baltimore banks at 3 per cent., of the chartered banks of Richmond at the same rate, and of the Ohio and Pennsylvania banks at 7 per cent. The Northern banks were more fortunate, however, the notes of the Jersey banks being sold in Philadelphia at par; the bank bills of New York at 4 per cent. premium, and those of Boston at 9 per cent. So greatly did the Government suffer for want of a circulating medium that in June of 1815 the Secretary of the Treasury gave notice that on and after August 1, the collectors of customs would not receive the notes of such banks as did not pay specie and would refuse to take and pay out Treasury notes at par in payment of custom house duties.\* This attempt to force the resumption of specie payment compelled a number of banks whose depositors conducted a large custom house business to yield, but many of the most important banks refused to

comply with the request, and on August 15 a new circular was issued giving notice that after October 1, 1815, the notes of such banks as refused to comply with the previous circular would no longer be received in payment of duties or taxes due the United States.\* This notice had the desired effect, and before November several of the banks which had failed to accede to the demand in July, complied.† The people also were beginning to grow weary of the refusal to resume specie payment, and in numerous places resolutions were passed not to accept any change bills other than those issued by the city corporations, or any bank notes which did not pass current at the city banks.‡ The Virginia legislature then took the matter under consideration, and passed a law requiring every bank in the State to resume payment by November 15, 1816, under severe penalty for failure to comply. The banks therefore began to call in loans, stopped discounting, and badly deranged business. Another law passed at this time provided that in all cases where attempts were made to collect money due, as on a mortgage, not an article could be sold unless the creditor should, ten days before the sale, signify his willingness to take such notes of the chartered banks of Virginia, of the neighboring States and

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\* *American State Papers, Finance*, vol. iii., p. 29.

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\* *Niles' Register*, vol. viii., p. 439, where a list of the banks is given.

† *Ibid*, vol. ix., p. 151.

‡ *McMaster*, vol. iv., p. 302.

of the District of Columbia, as were current in the country where the sale was to be held. The judges in the county courts were to decide what bills were current in their districts and to fix the rate of depreciation. Another law fixed a date when notes, bills, etc., of unchartered banks and corporations should cease to be currency, after which it would be a misdemeanor to use or receive such bills. Some of the court judges refused to execute the law, while others placed such a heavy discount on the bills of outside cities as practically to put an end to business. Furthermore, the unchartered banking institutions began to call in their paper so as to comply with the law, and consequently the region in the vicinity of Richmond was left without a money loaning institution. By the middle of the summer the people of the State clamored for a special session of the legislature to repeal the odious laws, and at the session held in November the law requiring the banks to resume specie payment was suspended, at first for one month and then for seven, while fifteen unchartered banking institutions were given until August 31, 1817, to call in their paper money. Two new banks were created in the mountain region to placate the population there. Similar events occurred in nearly every State.\*

Meanwhile Congress had established a second Bank of the United States to regulate the currency, and

had instructed the Secretary of the Treasury to see that the revenue was paid in legal currency after February 20, 1817. In his message to Congress on December 5, 1815, Madison had spoken of the alarming state of the currency and of the urgent need of a remedy.\* On January 8, 1816, a committee, of which Calhoun was chairman, brought in a bill to establish a National bank,† based on the plan outlined by Dallas.‡ This bank was to be incorporated for 21 years, with a capital of \$35,000,000, of which the Government was to subscribe \$7,000,000. Another \$7,000,000 was to be subscribed for in gold and silver by corporations and individuals, while the remaining \$21,000,000 was to be in funded debt of the United States. The chief office of the bank was to be at Philadelphia, and power was given to establish branches in other States. Its notes were to be received in payment of all debts due the United States. It was to receive and transfer the public money from place to place and, in return for its charter privileges, was to pay a bonus of \$1,500,000, in equal installments in two, three and four years, after the bank commenced operations.

Several measures prevented action

\* Richardson, *Messages and Papers*, vol. i., p. 564 *et seq.*

† *Annals of Congress*, 14th Congress, 1st session, pp. 494-505; Benton, *Abridgment*, vol. v., p. 501; Von Holst, *Life of Calhoun*, p. 31; Jenkins, *Life of Calhoun*, p. 89.

‡ For which see *American State Papers, Finance*, vol. iii., pp. 57-61; *Niles' Register*, vol. ix., pp. 346-368; 365-369; *Annals*, pp. 505-514.

\* McMaster, vol. iv., pp. 302-306.



on this subject for a month, but when the matter was finally taken under consideration the discussions were long and tiresome.\* Calhoun said that a doubtful state of the currency was a strain on public and private credit and that it was the plain duty of the Government to restore specie payments; but as specie payments could only be restored through the agency of a National specie-paying bank, Congress should exercise its power to establish one.† Clay then came down from the Speaker's chair and spoke practically to the same effect, though he exactly reversed his stand of 1811.‡ Webster, however, opposed the bill, saying that it was a mistaken idea that a National bank ought to be created to regulate the currency; but he said that, as the currency had not been created by the National government, but by banks acting under the authority of the States over which Congress had no control, there seemed to be only one way to remedy the condition to forbid the custom house collectors and the receivers to take State bank notes in payment of dues and taxes.¶ How-

ever, Webster's opposition was futile, for the reasons given by Mr. Dallas had greater weight with the majority of the members of Congress than those of the opposition. In his report, Dallas said:

"The establishment of a National Bank is regarded as the best, and, perhaps, the only adequate resource to relieve the country and the Government from the present embarrassment. Authorized to issue notes which will be received in all payments to the United States, the circulation of its issues will be co-extensive with the Union; and there will exist a constant demand, bearing a just proportion of the annual amount of the duties and taxes to be collected, independent of the general circulation for commercial and social purposes. A National Bank will, therefore, possess the means and the opportunity of supplying a circulating medium of equal use and value in every State, and in every district of every State. Established by the authority of the Government of the United States; accredited by the Government to the whole amount of its notes in circulation; and intrusted, as the depository of the Government, with all the accumulations of the public treasure; the National Bank, independent of its immediate capital, will enjoy every recommendation which can merit and secure the confidence of the public. Organized upon principles of responsibility, but of independence, the National Bank will be retained within its legitimate sphere of action, without just apprehension from the misconduct of its directors, or from the encroachments of the Government. Eminent in its resources, and in its example, the National Bank will conciliate, aid and lead the State banks in all that is necessary for the restoration of credit, public and private. And acting upon a compound capital, partly of stock and partly of gold and silver, the National Bank will be the ready instrument to enhance the value of the public securities, and to restore the currency of the national coin."\*

Therefore, on March 14, the House passed the bill by a vote of 80 to 71. On April 3 the bill, after being amended, was approved by the Senate

\* See *Annals of Congress*, 14th Congress, 1st session, pp. 1060-1067, 1070-1115, 1118-1112, 1139-1149, 1151-1158, 1189-1195, 1200-1219; Benton, *Abridgment*, vol. v., pp. 595-600, 621-627.

† *Annals*, pp. 1060-1066; Jenkins, *Life of Calhoun*, pp. 92-99.

‡ *Annals*, 1189-1195; Dewey, *Financial History*, pp. 149-150; Sargent, *Life of Clay*, p. 64 et seq.; Schurz, *Life of Clay*, vol. i., p. 132 et seq.

¶ *Annals*, pp. 1091-1094; Webster's *Works* (National ed.), vol. v., p. 48; Curtis, *Life of Webster*, vol. i., pp. 148-150.

\* *Annals*, pp. 1643-1644.



by a vote of 22 to 12;\* on April 5 the House concurred in the amendments, and on April 10 the President, notwithstanding his course on a previous occasion, signed the act and it became law.† The principle features of the act were these: The charter extended the life of the bank 20 years; the capital was \$35,000,000, of which the Government was to subscribe \$7,000,000; of the rest, one-quarter, in shares of \$100, was to consist of gold and silver and the other three-quarters of funded debt; subscriptions were to be payable in four installments, and upon the payment of the first installment the bank was to be organized and operations were to commence; the headquarters of the bank was to be at Philadelphia, but branches might be established elsewhere, under the control of the board of 13 persons appointed by the directors; a board of 25 directors was to be appointed to manage the affairs of the institution, the Government appointing five of these, the rest being elected by the stockholders, some being changed at each election on the rotation principle; the President was to be elected from among the directors annually, and resident citizens alone were to be eligible as directors; the notes of the

bank were to be receivable in payment of all dues to the United States, the bank holding, transmitting, and paying public money without charge; and unless authorized by Congress or the President, specie payments were not to be suspended.\*

Calhoun and his supporters did not depend alone upon the exertions of the new bank and its branches for the return of specie payment. On March 15, 1816, in the hope of restoring it before the bank went into operation, Calhoun requested Dallas to give him information as to whether the taxes could not be collected in gold, silver, Treasury notes and the notes of such banks as were paying specie. In a letter dated March 19 Dallas sketched a plan of a law which would require such payments to be made,† and on April 6, Calhoun presented it to Congress.‡ This plan provided that after December 31, 1816, no collector of revenue or tax receiver should take anything but gold, silver, copper or foreign coins which were legal tender and Treasury notes, though the Secretary of the Treasury might, if he deemed it wise, receive notes of specie-paying banks. Though the opposition to this measure was strong, the bill was carried by its supporters through all its stages up to the time when the final question was taken on April 25,

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\* For the debate see *Annals*, pp. 235-249, 251, 255, 257-281; Benton, *Abridgment*, vol. v., pp. 469-477.

† Adams, *United States*, vol. ix., p. 118; White, *Money and Banking*, pp. 277-279; Babcock, *Rise of American Nationality*, pp. 226-227. For text see *United States Statutes-at-Large*, vol. iii., pp. 266-277; for the significant portions see MacDonald, *Select Documents*, pp. 208-212.

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\* Dewey, *Financial History*, pp. 150-151.

† *American State Papers, Finance*, vol. iii., pp. 116-117; *Annals of Congress*, 14th Congress, 1st session, pp. 1229-1233.

‡ *Annals* pp. 1345-1346; Benton, *Abridgment*, vol. v., p. 643.

when the measure was defeated by one vote (60 to 59).<sup>\*</sup> The next day, however (April 26), Webster took up the matter and on April 29 succeeded in securing the passage of a joint resolution, directing the Secretary of the Treasury to adopt such measures as in his judgment would secure the resumption of specie payment.<sup>†</sup> He was to cause all payments to the United States—duties, taxes and debts—to be made in specie, Treasury notes, notes of the Bank of the United States, or any notes of specie-paying banks, and it was declared that after February 20, 1817, nothing but such currency would be received.<sup>‡</sup> On July 22, therefore, the Secretary of the Treasury gave notice that after October 1 no bills of any bank which did not pay specie for all notes of \$5 and under would be received in payment of dues to the Government, and that after February 20 no bills of any bank which did not pay all its notes in specie on demand would be received.<sup>||</sup> This regulation was strenuously resisted by the banks, which endeavored to postpone the resumption of specie payment until July of 1817,<sup>§</sup> but Dallas pushed forward the work

of establishing the Bank of the United States, and the efforts of the banks were defeated.

While the commissioners at Philadelphia were engaged in organizing the bank, Dallas did all he could to bring about the resumption of specie payment. As before stated, he sent a circular letter in July to all the State banks in the country, reminding them of the various kinds of currency in existence, assuring them that public confidence would speedily return if they should restore gold and silver to circulation, and informing them that after February 20 notes of non-specie paying institutions would no longer be taken by the United States, and that after October 1 the collectors of the revenue should not receive bank notes of \$5 and under unless they be convertible on demand into coin. The interior banks replied to this circular that they would resume as soon as the seaboard institutions did, but that it would be unsafe for them to do so sooner. The New York, Philadelphia and Baltimore banks declined to resume for a year, but they were soon forced to yield. Furthermore, the people began to lose patience and rejected all bills issued as small change, resolving that after October 1 no bills of less than \$1 in denomination should be taken in payment, unless issued by banks promptly redeeming in specie. This brought the banks to terms, and after the first move had been made, one bank after another, the city cor-

<sup>\*</sup> *Annals*, pp. 1382-1401, 1413, 1415-1418, 1428-1437; Benton, p. 648.

<sup>†</sup> *Annals*, pp. 369-371, 1440-1451; Benton, vol. v., pp. 648-650; Curtis, *Life of Webster*, vol. i., pp. 150-152; Tefft, *Life of Webster*, pp. 168-169.

<sup>‡</sup> Adams, *United States*, vol. ix., pp. 118-119; *United States Statutes-at-Large*, vol. iii., p. 343.

<sup>||</sup> Adams, *United States*, vol. ix., p. 128.

<sup>§</sup> *Ibid*, pp. 128-129; Babcock, *Rise of American Nationality*, p. 229; Dewey, *Financial History*, p. 151.

porations, and private individuals, began to pay out specie.

During the war the blockade of the coast had practically put a stop to commerce, but the minute the merchants saw that their commerce was ruined, they transferred their capital to manufacturing establishments. Large quantities of rice, cotton, tobacco, flour and lumber had been produced during the continuance of the blockade, the greater part of which was still in the hands of the producers; but the minute the blockade was lifted, this produce was shipped to Europe, which was only too glad to receive it. Before the Embargo, the highest monthly average of exports in any year was \$4,000,000, but in 1815 it rose to \$5,000,000, and from March 1 to September 30 of that year domestic products exceeding \$46,000,000 in value were shipped to foreign ports, the transportation of which employed more than 850,000 tons of American shipping.\* Immediately after the first intimation was received that the treaty of peace would be signed shortly, the merchants began to prepare for an immense volume of trade. Ships were chartered, crews were engaged and cargoes provided for, so that the waterfronts soon began to assume an appearance of intense activity. When the day finally came on which shipments could be made without fear of capture, a vast

fleet of merchantmen put out from Boston, New York and Baltimore, and the custom house clearances resumed their places in the columns of the daily newspapers. Toward the end of May and the beginning of June vessels from Europe began to arrive, bringing goods in such quantities as had never been known in the experience of the oldest merchant.\* Yet, great as the volume of commerce was, it was insufficient to supply the demand. In New York City alone the duties paid at the custom house during April, May and June amounted to \$3,939,000,† and during the three days in August alone 65 vessels came in from foreign ports laden with cargoes worth in several instances more than £50,000 sterling.‡ This revival of trade was noticeable in every important city.

The vast influx from foreign countries began to awaken the people to the fact that these imported goods could be made as well and as cheaply in America as in Europe, and at the same time would not only provide a use for American capital, but also give employment to hundreds of thousands of artisans in all lines of

\* Bishop, *History of Manufactures*, vol. ii., p. 211. See also *Niles' Register*, vol. viii., pp. 120, 140, 192, 203, 290.

† *Niles' Register*, vol. ix., p. 44.

‡ In 1815 the total imports and exports were \$113,041,274 and \$52,557,753, respectively, an increase from \$12,965,000 and \$6,927,441, respectively, in 1814. In 1816 these figures were \$147,103,000 and \$81,920,452. See *American State Papers, Commerce and Navigation*, vol. ii., pp. 20-24, 53-57.

\* *American State Papers, Commerce and Navigation*, vol. ii., p. 647.



work.\* As yet no suggestion had been made of a way for protecting American industries, but in 1815, when the wool and cotton industries had become almost ruined by the demand for foreign-made goods of this nature, aid was sought from the Government to prevent the complete ruin of these industries.† The cotton and woolen manufacturers of Morris county, New Jersey, in October of 1815, petitioned the New Jersey legislature to remove the State tax on their mills and the spindles used in them, and a committee of the Assembly to which this petition was referred recommended that the prayer be granted. On October 15, therefore, the Assembly passed a resolution to that effect.‡ At about the same time the

cotton spinners of Providence decided to appeal to Congress and, with this object in view, sent a memorial to the various legislatures in all parts of the country requesting like action. This memorial, which was presented to the Senate on December 22, 1815, requested that all cotton fabrics save nankeens made at places beyond the Cape of Good Hope should be absolutely shut out by laws prohibiting their importation, and that heavy duties should be placed on goods of coarser textures brought from other lands.\* Memorials of a similar nature were sent from Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Louisiana, etc.†

On December 4, 1815, Congress assembled in the Old Patent Office. As soon as the House was organized, Clay was elected speaker.‡ On the 5th, Madison sent in his seventh annual message. Regarding the tariff, he said:

"In adjusting the duties on imports to the object to revenue, the influence of the tariff on manufactures will necessarily present itself for consideration. However wise the theory may be which leaves to the sagacity and interest of in-

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\* Writing to D. Lynch, Jr., June 27, 1817, Madison said: " \* \* \* every prudent nation will wish to be independent of other nations for the necessary articles of food, of raiment, and of defence; and particular considerations applicable to the United States seem to strengthen the motives to this independence. Besides the articles falling under the above description, there may be others, for manufacturing which natural advantages exist, which require temporary interpositions for bringing them into regular and successful activity. \* \* \*. Among the articles of consumption and use, the preference in many cases is decided merely by fashion or by habits as far as an equality, or still more where a real superiority, is found in the articles manufactured at home, all must be sensible that it is politic and patriotic to encourage a preference of them, as affording a more certain service of supply for every class, and a more certain market for the surplus products of the agricultural class."—*Madison's Works* (Congress ed.) vol. iii., p. 43. See also pp. 158-161.

† Taussig, *Tariff History*, p. 29; *Niles' Register*, vol. ix., pp. 189-191.

‡ Bishop, *History of Manufactures*, vol. ii., pp. 215-216.

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\* *American State Papers, Finance*, vol. iii., pp. 52-54; *Annals of Congress*, 14th Congress, 1st session, pp. 28, 402, 1651-1655. Bishop (*History of Manufactures*, vol. ii., p. 214, note) says that the several factories were assessed one cent on each spindle "for the payment of the expenses of an agent to proceed to the city of Washington, to enforce the memorial or petition of the cotton manufacturers."

† For some of these see *American State Papers, Finance*, vol. iii., pp. 33-35, 56, 104-107; *Annals*, pp. 1701-1713.

‡ *Niles' Register*, vol. ix., p. 254.



dividuals the application of their industries and resources, there are in this, as in other cases, exceptions to the general rule. Besides, the condition which the theory itself implies on a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, though sufficiently advanced and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress and exhibited an efficiency which justify the belief that with the protection not more than is due to the enterprising citizens whose interests are now at stake, it will become at an early day not only safe against occasional competitions from abroad, but a source of domestic wealth and even of external commerce. In selecting the branches more especially entitled to the public patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the public defense or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence an encouragement which can not fail to be rewarded." \*

The suggestions of the President were sent to the proper committees, but the business of the session did not get under way until the House Committee of Ways and Means reported on January 9, 1816.† In his annual re-

\* Richardson, *Messages and Papers*, vol. i., pp. 562-569; *Niles' Register*, vol. ix., pp. 254-257; *Annals of Congress*, 14th Congress, 1st session, pp. 12-18; Benton, *Abridgment*, vol. v., pp. 442-445. Dallas' report on the condition of the finances is in *American State Papers, Finance*, vol. iii., pp. 1-32; *Niles' Register*, vol. ix., pp. 261-280.

† *American State Papers, Finance*, vol. iii., pp. 62-64; *Niles' Register*, vol. ix., pp. 354-357; *Annals of Congress*, 14th Congress, 1st session, pp. 516-522.

port of December 6, 1815, Dallas had suggested that the double duties on imports, which by law would expire February 17, 1816, should be continued until June 30; that the war rates on refined sugar, stamps, sales at auction, and on postage should be retained; that the direct tax be reduced from \$6,000,000 to \$3,000,000, and that the tax on furniture, watches and certain other articles of domestic manufacture should be repealed.\* There had been loud and bitter complaint during the autumn of 1815 against the system of taxation, which Dallas thus proposed to destroy,† and consequently the Committee on Ways and Means urged that every kind of internal tax should be repealed. It not only endorsed Dallas' plan, but recommended that the taxes on sales at auction, on licenses to retail liquor, and on spirits distilled in the United States be repealed, and that the postage rates be reduced. But as this would produce a deficit in the Treasury, the committee suggested that the current rates of customs duties be increased 42 per cent. The difference in revenue between Dallas' plan and that of the committee was trifling, amounting to less than \$100,000,—Dallas' plan yielding a revenue of \$25,278,840, while that of the committee would yield \$25,369,500. The difference in principle, however, was

\* *Niles' Register*, vol. ix., pp. 436-447; *American State Papers, Finance*, vol. iii., pp. 1-32; *Annals*, pp. 1601-1645.

† For details see McMaster, vol. iv., p. 331 et seq.

very great, for, by abolishing the internal taxes the sum of \$7,064,340 would be lost, to be made up, according to the plan of the committee, by an increase of customs duties, which increase amounted virtually to a protective tariff. Both plans were calculated to produce a surplus revenue of \$9,590,831, which the committee suggested should be used to increase the sinking fund (from \$8,000,000 to \$13,150,000) for the payment of the National debt and to provide the means for internal improvements and National defences.\* The matter was debated for more than a month, the members being almost evenly divided on the question.† The opponents of the system said that there was no reason for a surplus, or internal or direct taxes, and insisted that it was only necessary to levy customs duties to provide sufficient funds to pay the expenses of government, economically administered. The advocates of the system said that it was one of the objects of the plan to place the country in a position where it would always be prepared for war with foreign countries.‡

Under the leadership of Calhoun, Clay and William Lowndes, the Republicans succeeded in securing the adoption of the plan, the act passed

in pursuance of it becoming law February 5, 1816.\* One million dollars per year for eight years was to be devoted for building ships for the navy. The duties on licenses to retail wines and liquors were diminished; the taxes on sales at auction, on gold and silver watches, on household furniture and on certain domestic manufactures, including spirits distilled within the United States, were repealed; the rates of postage were lowered, and the direct tax reduced from \$6,000,000 to \$3,000,000. The act provided that after June 30, 1816, there should be an additional duty of 42 per cent. on the existing duties until a new tariff law should be enacted. This meant that the increase should apply only to the permanent duties — those in existence before the war; and therefore the new tariff meant a decrease of 29 per cent. from the war duties.† As this bill has reduced internal taxes and wiped out a revenue of \$7,000,000, it became necessary to raise revenue in some other manner, and availing themselves of a resolution passed by the House February 23, 1815, the committee of Ways and Means requested Dallas to suggest a plan of duties. The report was sent to Congress on February 13, 1816,‡ after

\* Adams, *United States*, vol. ix., p. 112; *American State Papers, Finance*, vol. iii., p. 63.

† See *Annals*, pp. 675-678, 680-694, 720-730, 733-763, 771-875, 900-917; Benton, *Abridgment*, vol. v., pp. 546-549, 559-563, 567-584.

‡ McMaster, vol. iv., pp. 335-336. See also Von Holst, *Life of Calhoun*, p. 27.

\* Stanwood, *Tariff Controversies*, vol. i., pp. 137-138; *Annals*, pp. 1795-1796. For the debate see *Niles' Register*, vol. ix., pp. 362-363, 418.

† Stanwood, *Tariff Controversies*, vol. i., p. 138.

‡ *American State Papers, Finance*, vol. iii., pp. 85-99; *Niles' Register*, vol. ix., pp. 437-447; *Annals*, pp. 1674-1698.

the House agreed to raise the duties 42 per cent.

In reporting a plan for a new tariff, Dallas had made a strong plea for protection.\* Arranging the duties so as to encourage and protect such manufactures as already existed, and to encourage the establishment of such industries as were greatly wanted, he divided manufacturing establishments into three classes: those which had long been established and could fully supply the home market; those which had recently been set up and could only partially supply the market; and those which were just being introduced, for which the country was dependent on foreign sources. For the long-established industry he would have prohibitory duties; for those recently established, a protective tariff; and for those just being introduced, a tariff for revenue purposes only.† The suggestions of the Secretary were referred to the Committee on Ways and Means, which on March 12, 1816, reported a tariff bill‡ providing an *ad valorem* duty of 25 per cent. on imported cotton and woolen goods of every description.

Though Lowndes, of South Carolina, chairman of the committee, accepted the principle of protection, he

was more moderate in his views of the rates necessary to carry out the policy than were the manufacturers. On several important articles—notably textiles—the committee lowered the rates recommended by Dallas, and Lowndes voted to reduce some of the rates reported by the committee. In general, however, he supported the protective policy and opposed the hostile amendments prepared by Randolph, the head of the opposition. On March 20 the House began consideration of the matter, and John Randolph was the only member who did not declare himself in favor of protection, though there was a great diversity of opinion as to the amount of protection necessary.\* Webster declared himself in favor of protecting such manufactures as already existed, but did not deem it wise to establish a tariff for the purpose of producing manufactures. Samuel D. Ingham declared that the National policy was at stake; that revenue was only an incidental consideration; that it was not a question merely of raising dollars and cents, but of the industrial independence of America through the establishment and encouragement of manufacturing of every sort.† Again, there were those who claimed that protection should be given only to articles of

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\* Thompson, *History of Protective Tariff Laws*, pp. 118–120.

† Bishop, *History of Manufactures*, vol. ii., pp. 222–223; McMaster, vol. iv., p. 337; Stanwood, *Tariff Controversies*, vol. i., p. 139; Dewey, *Financial History*, pp. 161–162.

‡ *Annals of Congress*, 14th Congress, 1st session, p. 1201.

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\* Thompson (*History of Protective Tariff Laws*, p. 130 *et seq.*) says the defence of the principle of protection rested mainly on Calhoun and quotes long extracts from his speech.

† *Annals*, pp. 1239–1247; Benton, *Abridgment*, vol. v., p. 628.



absolute necessity in time of war and of prime importance in time of peace. There was still an aggressive minority that did not favor protection in any form.\* The debate centered chiefly about cotton and woolen goods and sugar. The committee proposed a duty of 25 per cent. on cotton and woolen goods of all descriptions, with this proviso, however, "that all cotton cloths, or cloths of which cotton is the material of chief value (excepting nankeens imported direct from China), the original cost of which at the place whence imported shall be less than 25 cents per square yard, shall be taken and deemed to have cost 25 cents per square yard, and shall be charged with duty accordingly." This principle of the minimum was devised and urged upon Congress by Francis C. Lowell, of the Boston Manufacturing Company, the inventor of the power loom that had made the company so successful.† The introduction of power looms in England had so materially cheapened cloth that existing duties were no bar to the importation of large quantities of British goods which could be sold at a profit at a lower price than the hand-woven goods of Massachusetts and Rhode Island.‡ Lowell urged the

introduction of power looms, but even these could not compete against the cheap India cottons, which cost but 9 cents per yard to produce and could be sold in the United States at a profit for much less than it cost the Americans to produce their strong and serviceable goods. Accordingly Lowell proposed the minimum valuation and the imposition of the duty upon that. In effect, this would be equivalent to a duty of 100 per cent., and since freight, insurance, interest, etc., must be added, it would operate to shut India goods entirely from the market. Besides, it would put a stop to the undervaluation of British goods, which had become a serious grievance.\*

Solomon Strong, of Massachusetts, then moved that the duty on cotton goods be increased to  $33\frac{1}{3}$  per cent. and that on woolen goods to 28 per cent., which was Dallas' original proposition.† Strong opposition developing, the motion was withdrawn the next day to allow Clay to introduce a motion laying a duty of  $33\frac{1}{3}$  per cent. on cotton goods only. This was done, Clay said, to see how far the House would go in its protective

\* McMaster, vol. iv., pp. 337-338.

† Appleton, *Introduction of the Power Loom and Origin of Lowell*, p. 13; Bishop, *History of Manufactures*, vol. ii., pp. 196-197, 226.

‡ In speaking of this policy of selling goods below cost in the United States, Lord Brougham said: "It was well worth while to incur a loss upon the first exportation, in order, by a glut,

to stifle in the cradle those rising manufactures in the United States which the war had forced into existence, contrary to the natural course of things. The enormous amount of, I believe, eighteen millions worth of goods was exported to North America in one year."—Hansard, *Parliamentary Debates*, vol. xxxiii., p. 1099.

\* Stanwood, *Tariff Controversies*, vol. i., pp. 140-141.

† *Annals of Congress*, 14th Congress, 1st session, p. 1234.



policy.\* He urged ample protection, but, after several speeches in opposition, the amendment was rejected by a vote of 51 to 43.† Timothy Pickering, of Massachusetts, then moved that the minimum clause be stricken out entirely, but this motion was defeated by a large vote. Clay now moved that the duty be made 30 per cent. and on March 22, after a long debate, this was adopted by a vote of 68 to 61.‡ But its value was partially destroyed, as Webster secured the passage of a resolution that these rates apply for a period of two years only, after which it was to be 25 per cent. for the next two years, and then 20 per cent. permanently.§ But the majority was not willing to go so far, and the rate was subsequently changed to 25 per cent. for three years, after which it was to drop to 20 per cent.¶

Benjamin Huger said that fortunes were being made by the production of raw sugar and moved that the duty on brown sugar be reduced from 4 to 2½ cents per pound.¶ Lowndes and Robertson thought the duty was now too low and Calhoun also favored a higher duty.\*\* After an at-

tempt to fix the rate at 5 cents, Clay moved that the rate be 3½ cents and this was adopted on March 24 by a vote of 64 to 58.\* Changes in the duties on lump sugar, gunpowder, copper sheets, lead, iron and steel wire, clocks, and cotton laces were quickly passed. A motion to increase the duty on iron in bars from 75 cents to \$1.25 per hundredweight was overwhelmingly defeated. The low tariff men, seeing their advantage, moved to reduce the duty to 50 cents and then again to 37½ cents, but this motion was defeated and the rate was fixed at 45 cents—a bad defeat for the new manufacturers, and the protective policy. The duty on manufactured wool was reduced also—from 15 to 7½ per cent—but the duty was struck out altogether by the Senate.† On March 28 the committee rose and reported the bill in its amended form to the House.‡

On April 2 the bill came before the House. The first vote was on the reduction of the duty on wool, which was carried by a vote of 73 to 42.¶ Forsyth, of Georgia, then moved that the duty on cottons be made 20 per cent. after June 30, but this was defeated by a vote of 69 to 65.§ Hardin, of Kentucky, moved that the duty should be 25 per cent. for two years and 20 per cent. thereafter, which

\* *Annals of Congress*, p. 1237; Bishop, *History of Manufactures*, vol. ii., p. 226.

† *Annals*, p. 1237.

‡ *Ibid.*, pp. 1239-1247.

§ *Ibid.*, pp. 1257, 1270.

¶ McMaster, vol. iv., p. 339; Stanwood, *Tariff Controversies*, vol. i., pp. 142-144, 145-147; Adams, *United States*, vol. ix., pp. 114-115; Curtis, *Life of Webster*, vol. i., pp. 152-153.

¶ *Annals*, p. 1258; Benton, *Abridgment*, vol. v., p. 632.

\*\* *Annals*, pp. 1258-1262; Benton, pp. 632-633.

\* *Annals*, p. 1263; Benton, p. 633.

† Stanwood, *Tariff Controversies*, vol. i., pp. 144-145, 147.

‡ *Annals*, pp. 1268-1277, 1283-1289.

§ *Ibid.*, p. 1312.

¶ *Ibid.*, p. 1313.

motion was carried by a vote of 84 to 65.\* It was then moved that the duty of 25 per cent. be extended for three years, after which it was to be 20 per cent., and this motion was carried by a large majority.† The House, by a vote of 89 to 51, next reduced the duty on iron to 45 cents per hundredweight and, by a vote of 86 to 56, cut the duty on sugar from 3½ cents to 2 cents per pound.‡ Pickering then secured the passage of an amendment providing that cotton piece-goods imported in American vessels which should have sailed for the United States before February 1, 1816, and which should arrive before March 1, 1817 (the original cost of which should be less than 25 cents per square yard), should pay a duty of 33⅓ per cent. on the cost, with the usual 20 per cent. added.||

The consideration of amendments being finished, Randolph moved that the House strike out the minimum clause with respect to cotton goods; but, after a long speech by Calhoun§

April 6 and after a motion to reduce the minimum to 15 cents per square yard had been rejected by a vote of 66 to 72, Randolph withdrew his motion.\* Several other attempts were made to alter rates, but were rejected and on April 8 the bill was ordered to its third reading. Randolph then moved that further consideration be postponed until December, but after the motion had been defeated by a vote of 95 to 47, the bill was passed by a vote of 88 to 54.†

In the Senate consideration of the bill began on April 15. As the protectionists were much stronger in this body than in the House, all hostile amendments were defeated by large majorities. The House rates were not changed in any important particulars with the exception of that on sugar, which was raised from 2½ to 3 cents per pound. On the 20th the bill was passed without a division and returned to the House.‡ The latter concurred in the minor amendments without debate and the increase on sugar was accepted by a vote of 54 to 48.|| On the 25th the House again

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\* *Annals*, p. 1315; Benton, p. 637. Stanwood (p. 148) points out that the New England members voted against the high duty in the proportion of two to one; the members from New York, New Jersey, Pennsylvania and Ohio favored high protection in the proportion of four to one (36 to 8); while the members from States south of Pennsylvania stood five to one against high protection (53 to 11).

† *Annals*, pp. 1316-1325; Benton, pp. 637-639.

‡ *Annals*, pp. 1326-1327.

|| *Ibid*, p. 1329; Stanwood, *Tariff Controversies*, vol. i., pp. 148-150.

§ For a resumé of which see Von Holst, *Life of Calhoun*, pp. 33-35. The text is given by Jenkins, *Life of Calhoun*, pp. 104-117; see also pp. 118-129.

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\* *Annals*, pp. 1329-1337; Benton, *Abridgment*, pp. 640-643.

† *Annals*, pp. 1350-1352; Benton, p. 645; Stanwood, *Tariff Controversies*, vol. i., pp. 150-153. Thompson (*History of Protective Tariff Laws*, p. 135) classifies the vote as follows: New England 16 yeas, 10 nays; Middle States, 44 yeas, 10 nays; Western States, 14 yeas, 31 nays. See also O. L. Elliott, *The Tariff Controversy in the United States*, in *Leland Stanford Jr. Univ. Monographs in History and Economics*, no. 1., pp. 163-191.

‡ For the debate see *Annals*, pp. 311, 321, 326-331, 334.

|| *Annals*, p. 1438.

passed the act and it became law on April 27, 1816, by the President's signature.\*

As finally passed, the bill provided for prohibitory duties on cloth and foreign articles with which the country could be fully supplied by home manufacturers. Articles with which domestic manufacture could not fully supply the country were to be taxed 20 per cent. *ad valorem*, while those consumed in large quantities but made almost entirely abroad were to be taxed for revenue only. The schedule included 109 articles, on which separate or specific duties were imposed and five rates of *ad valorem* duties. There were a free list, a discriminating duty on goods, merchandise, etc., imported in vessels of foreign ownership, and a continuation of the bounty and drawbacks on pickled fish and sugar exported. The principle of the minimum was introduced. The law provided that after June 30, 1816, all cotton fabrics, except nankeens direct from China, the cost of each square yard of which at the place whence imported was less than \$.25 (20 per cent. being added if that place were the Cape of Good Hope or beyond it, and 10 per cent. if elsewhere) should be considered to have cost that much and the duty levied accordingly. The effect of this was to double and treble the rates and to put a stop to the importation of low-priced India or negro cloths,

which were thenceforth manufactured in this country.\*

The framers of the tariff, however, had ignored agents which were destined in time to break down the tariff, destroy the manufactures it was intended to prop, and prostrate the retail business. After the war thousands of men were thrown out of employment in England and turned to other channels of industry. The competition for work which followed tended to lower the wages of labor, with the result that English manufacturers were able to produce fabrics much cheaper than before and could sell these fabrics at most tempting prices. To find a market for his goods, the British manufacturer turned to America; but, as the tariff had already gone into effect, it was necessary to resort to indirect means. Therefore he devised a most ingenious plan.† Two agents, one of whom was kept ignorant of the value of the goods, were sent to some American city, and to one of them the manufacturer would pretend to sell his goods at a price much less than the cost of manufacturing. The manufacturer would then present the invoice setting forth this false state-

\* McMaster, vol. iv., pp. 339-340; Taussig, *Tariff History*, p. 30; Bishop, *History of Manufactures*, vol. ii., pp. 227-228. On the question as to whether this was in reality a protective tariff, see Stanwood, *Tariff Controversies*, vol. i., p. 154 *et seq.*; Bishop, p. 229; Thompson, *History of Protective Tariff Laws*, chap. xiv.

† *American State Papers, Finance*, vol. iii., p. 501.

\* *United States Statutes-at-Large*, vol. iii., p. 310; *Annals*, pp. 1870-1875.



ment of sale to the American consul at the port of shipment for endorsement, and of course the duties levied at the custom house in America would be levied upon the prices stated in the invoice. Having passed the custom house, the goods would be sold by the first agent to the second agent, who knew the exact cost of the goods and whose duty it was to sell them. None of these men were liable to punishment under the law, for the owner of the goods resided in a foreign land. The agent to whom the goods were shipped had no knowledge of the value of the goods save the false invoices, and the second agent was not a party to the fraudulent transaction at the custom house. Immediately upon receipt of the goods, the second agent would sell them at auction and thus avoid storeroom charges, clerk hire and the import license tax, all which gave them a still greater advantage over the American merchants.\*

Again, when the American merchant would order goods from England for a particular market, the British manufacturers would immediately send a duplicate shipment invoice at reduced prices, and, by the aid of his two agents operating under the auction system, would sell his own goods before the American merchant would have his packages in his store. Furthermore, the auction encouraged a new kind of fraud. When goods in

their original packages were being auctioned the invoice could not be seen nor could the goods be examined. Knowing this, the British manufacturers turned out articles poor in quality, though fine in appearance; selling them at the higher price, though the cost of their manufacture had been considerably smaller.

Perceiving that they were being slowly but surely ruined by this system, the merchants and traders of New York in February of 1817 petitioned the legislature to stop the retail auctions by imposing a prohibitive tax;\* but the licensed auctioneers then in New York protested and stated that the evil of which the merchants complained was only temporary and would soon pass away, having been caused by the war and the great changes in conditions in Europe. Furthermore, they said that taxes would not clarify the atmosphere, but would create still further hardship by driving the auctioneers outside the State, which would thus be the poorer from the loss of the taxes paid by the auctioneers. This argument had great weight with the legislature, and no new taxes were laid.

A petition was sent to Congress on February 4, 1817, requesting that the tariff of 1816, instead of being limited to two years, should be made permanent; that inspectors be appointed to examine the goods imported to make certain that the invoices rendered

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\* McMaster, vol. iv., pp. 340-341.

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\* Stanwood, *Tariff Controversies*, vol. i., p. 169.

were not false; that a duty of 10 per cent. be levied on sales at auction of foreign goods, with one or two exceptions, and that more severe laws be passed against smuggling.\* But memorials and petitions were for some time unavailing and the merchants appealed to the State legislatures for protection.

In this appeal they were to a great extent successful. The Connecticut Assembly resolved that it was expedient that the people of that State should buy and use American cotton and woolen fabrics in preference to foreign-made goods.† The New York legislature in March of 1817 recommended that the State's Representatives in Congress should request higher duties; that all the public officials should wear American-made clothes only;‡ that no taxes should be laid on the buildings and plants of cotton and woolen mills, etc.¶ The Pennsylvania senate, regretting that the State could afford no adequate protection, called upon the Government for a law exempting factories from taxation and workmen from duty in the militia and bade their members in Congress put forth every endeavor to secure the enactment of such measures as would protect and encour-

age home manufactures.\* The New Hampshire legislature recommended the formation of associations for encouraging agriculture and manufacturing, offering each association thus formed \$100 to be used as premiums.†

During its second session the Fourteenth Congress (1816-1817) received 40 memorials. The cotton manufacturers of Massachusetts, Connecticut and Pennsylvania petitioned for protection against the low-priced goods from England and India. The printers and paper manufacturers wanted protection against Holland and France; and the sugar planters of Louisiana, the hemp growers of Kentucky, the gunsmiths of Lancaster, Pennsylvania, the hat makers of New York, and the cordage manufacturers of Massachusetts were equally as insistent in their demands for protection.‡ The Pittsburgh memorialists complained that there was an alarming depression in the manufacture of cotton, woolen goods, flint glass, and the finer articles of iron. They said that some branches of trade had been destroyed entirely or partially suspended; that the tide of importation had inundated the country with foreign goods; and that some of the most valuable and enterprising citizens had been overwhelmed with bankruptcy and ruin, while others had suffered

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\* *American State Papers, Finance*, vol. iii., pp. 168-169; *Annals of Congress*, 14th Congress, 2d session, pp. 849-851.

† *Niles' Register*, vol. xii., p. 300.

‡ *Ibid.*, vol. xii., p. 78; Bishop, *History of Manufactures*, vol. ii., p. 237.

¶ See the report in *Niles' Register*, vol. xii., pp. 235-236.

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\* *Niles' Register*, vol. xii., pp. 39-41.

† *Ibid.*, vol. xii., p. 314; McMaster, vol. iv., pp. 345-346.

‡ Coman, *Industrial History of the United States*, pp. 186-187. See also O. L. Elliott, *The Tariff Controversy*, pp. 192-200.

enormous losses.\* At about this time (June of 1817) the American Society for the Encouragement of American Manufactures was formed under the auspices of New York capitalists, not only to cultivate a public sentiment favorable to a National policy of protection, but also with the idea of operating upon Congress. Vice-President Tompkins was president of this society and John Adams, Jefferson, Madison and Monroe were elected to membership. Various local societies were established in different States and memorials were sent to Congress.†

The importers and manufacturers, however, were not the only ones to experience dull times, for the shippers also suffered from lack of trade. After the signing of the Treaty of Ghent terminating the war, Gallatin, Clay and Adams immediately entered upon the arrangement of a commercial convention with Great Britain to supplement the peace. In their negotiations the commissioners attempted to introduce neutral rights, but the British government refused to treat upon that basis, and commercial relations alone were dealt with.‡ A tedious and not altogether pleasant or satisfactory discussion ensued, and not until July 3, 1815, was a commercial convention framed to continue for four years, ratifications being ex-

changed the following December.\* The first part of this convention related to trade with the European possessions of Great Britain, and provided that neither power should impose a discriminating duty on the products or ships of the other. The second part related to the British West Indies and North American possessions, the traffic between which and America was to be regulated as either country saw fit. The third part had to do with the British possessions beyond the Atlantic, and specified that trade must be direct.†

The first part of the convention, forbidding the imposition of a discriminating duty, necessitated the repeal of the act which imposed a higher duty on vessels and goods brought in British vessels than on goods brought in American-owned ships.

Accordingly Senator Forsyth reported a bill on December 29 providing the same duties on British articles brought in British or American ships, the same tonnage duties on British ships as on American ships, except those which came from the East or West Indies or from British North American possessions, and the same

\* See the report in *Niles' Register*, vol. xii., pp. 129-135.

† Schouler, *United States*, vol. iii., p. 43; *Niles' Register*, vol. xii., pp. 311-313, 412-413.

‡ See the letters of the commissioners in *Niles' Register*, vol. ix., p. 334 *et seq.*

\* For text see *American State Papers, Foreign Relations*, vol. iv., pp. 7-8; *Annals of Congress*, 14th Congress, 1st session, pp. 1478-1481; *Niles' Register*, vol. ix., pp. 310-312. A resumé is given in Snow, *Treaties and Topics in American Diplomacy*, pp. 76-77. The correspondence will be found in *Annals*, p. 1481 *et seq.*

† *American State Papers, Commerce and Navigation*, vol. ii., pp. 248-249, and *Foreign Relations*, vol. iv., pp. 7-8; *Niles' Register*, vol. ix., pp. 310-312.



bounty on the exportation of American products in British as in American vessels.\* This was soon passed† and sent to the House. There violent opposition arose, but after a sharp discussion the bill was passed on January 13 by a vote of 86 to 71.‡ Immediately the merchants of Nova Scotia and New Brunswick secured the passage of an act called the "Plaster of Paris" act, which would regulate the transportation of plaster of paris (none of which could be delivered in any port east of Boston) so that no American coaster might carry it to the place of consumption. An export duty of 20 shillings per ton was laid by New Brunswick and Nova Scotia on such plaster of paris as might be delivered at any port east of Boston, in consequence of which 15,000 tons of American shipping became idle.¶ Futhermore, being free to regulate her colonial trade as she saw fit, Great Britain immediately proceeded to shut American ships out of the West Indies, and prohibited the trans-

portation thither of American flour, corn, rice, potatoes, peas, beans, lumber, pork, poultry, horses, mules and cattle except in vessels owned by British subjects.\* By this enactment 80,000 tons of American shipping became idle. The shipping interests were now prostrate. All branches of trade connected with the shipping interest languished and thousands of mechanics were thrown out of employment, thus producing a numerous class of people dependent on charitable institutions. Relief societies, particularly in New York and Philadelphia, afforded considerable relief, but so widespread did the distress become that the means of these associations were not adequate to the increasing demands made upon them.†

Naturally, too, the financial condition of the manufacturers at this time was not flourishing. In explaining the tariff bill of 1824 which he had just introduced, John Tod, of Pennsylvania, chairman of the Committee of Ways and Means, said that in 1816 probably nine-tenths of the manufac-

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\* *Niles' Register*, vol. ix., p. 330.

† For the debate in the Senate see *Annals of Congress*, 14th Congress, 1st session, pp. 46-90, 130-131, 160; Benton, *Abridgment*, vol. v., pp. 446-460.

‡ *Niles' Register*, vol. ix., pp. 361-362. *Niles* (vol. ix., supplement, pp. 9-54) gives some of the speeches complete. For the complete debate see *Annals of Congress*, 14th Congress, 1st session, pp. 419-420, 454-458, 462-494, 522-674; Benton, *Abridgment*, vol. v., pp. 492-546.

¶ To offset this, Congress passed an act forbidding the importation of plaster of paris into the United States, thus cutting off altogether the trade of Nova Scotia (*Stanwood, Tariff Controversies*, vol. i., p. 165; *Niles' Register*, vol. xii., p. 301).

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\* See the report of secretaries Monroe and Crawford in *American State Papers, Commerce and Navigation*, vol. ii., pp. 31-35.

† Bishop (*History of Manufactures*, vol. ii., p. 230) says that "as a means of alleviating the present and prospective distress of the laboring classes" the first savings institutions in the country were organized toward the close of 1816. At Philadelphia the Saving Fund Society opened for business December 2; and on the 13th the Provident Institution for Savings was incorporated at Boston. On November 25 the Bank of Savings in the City of New York was formed under the auspices of the Society for the Prevention of Pauperism, but it was not incorporated until March of 1819.

turers were in debt and only slowly getting out of it by means of the weekly profits of their business. The iron industry was perhaps the worst sufferer, which probably accounts for the protection sentiment in New York, Pennsylvania, and New Jersey. The raw iron consumed (chiefly in the form of bars) was about 50,000 tons per year, while the importations amounted to 12,293 tons in 1816, 21,160 tons in 1817, 17,620 tons in 1818, 18,311 tons in 1819, 22,459 tons in 1820, 19,339 tons in 1821, and 31,707 tons in 1822.\*

The cotton manufacturing industry also was in poor shape. But one company had weathered the terrible deluge of excessive importations in 1815 and 1816. This was the Boston Manufacturing Company, whose managers had urged the minimum clause incorporated in the tariff act of 1816. Though the law imposed a duty of not less than  $6\frac{1}{4}$  cents per square yard on all cotton cloths, the Boston Manufacturing Company regarded the protection it received as sufficient, and was able to pay dividends, ranging from  $12\frac{1}{2}$  per cent. in 1818 and 1819 to  $27\frac{1}{2}$  per cent. in 1822. Many of the other manufacturers went into bankruptcy, and with all the struggle to survive was severe. Gradually, with the adoption of the power-loom and other mechanical improvements they recovered.† The minimum

clause imposed a duty of nearly 80 per cent. on coarse goods, which would have been prohibitory had not the foreign manufacturers and importers interpreted the words of the act "material of chief value" as "material of the highest price." As linen was more costly than cotton per pound, they mixed a little linen with the cheap cotton goods and thereby got their goods through the custom house at a duty of 15 per cent.\*

The first movement to change the tariff was made in 1818. The opinion seemed to be general that two mistakes had been made in the tariff of 1816: the time limit of three years set upon the 25 per cent. duty on cotton and woolen goods, and the low rate imposed on forged bar iron and other forms of iron. Early in the first session of the Fifteenth Congress (1817-1818) several bills were introduced by the Committee of Ways and Means, but discussion did not begin in the House until April 12, 1818, only a week before the session's close. On the 15th the House passed two bills—one increasing the duties on imported iron in bars and bolts, iron in pigs, castings, nails and alum and disallowing the drawback on the reexportation of gunpowder; and the other increasing the duties on "certain manufactured articles."† On the 16th a bill was passed extending the

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\* Stanwood, *Tariff Controversies*, vol. i., pp. 171-172.

† Taussig, *Tariff History*, p. 31 et seq.

\* Stanwood, *Tariff Controversies*, vol. i., pp. 173-174.

† Copper manufactures, cut glass, Russia sheetings, and a few other articles.

duration of the 25 per cent. duty on cottons and woollens until June 30, 1826. The Senate promptly passed these bills with an important amendment, and they became law on April 20.\*

Probably the most important part of the enactments was that relating to iron. In the act of 1816 a discrimination was made for the first time between iron in bars and bolts when manufactured by rolling and iron that was not so manufactured. On rolled iron a duty of \$1.50 per hundredweight was laid, whereas on hammered or forged bars only 45 cents per hundredweight was laid.† When the tariff of 1818 was under consideration, no one seems to have desired to change this discrimination; and, although the

duty on rolled iron was almost prohibitory, no one wished to lessen it. The manufacturers desired to exclude rolled iron because it was inferior to the hammered bars in quality and lower in price and also because rolled iron was not made in this country. In the tariff of 1818 the rate on hammered bar iron was raised by the House from 45 cents per hundredweight (the 1816 rate) to \$1, but the Senate, by a vote of 19 to 15, cut down the rate to 75 cents. The act imposed also the first specific duty on pig-iron — 50 cents per hundredweight.\* Nevertheless, in spite of the higher duty, the American iron makers continued to encounter keen competition in the shape of large importations of iron.†

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## CHAPTER XXVII.

### 1815-1816.

#### END OF THE WAR WITH THE BARBARY POWERS.

Resumption of depredations on American commerce — Madison's request for a declaration of war — Departure of the American squadrons — Capture of the *Mashouda* and *Estedio* — Decatur's treaty with the Dey — The loss of the *Epervier* — The payment of indemnities by Tunis and Tripoli — Submission of Algiers — End of the war.

While the people were thus laboring to restore better economic conditions at home, their attention was drawn to the condition of foreign relations,

particularly those concerning the protection of the rights of American seamen in the Mediterranean. It will be remembered that on September 5, 1795, a treaty with Algiers had been concluded by which the United States

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\* *United States Statutes-at-Large*, vol. iii., p. 460; *Niles' Register*, vol. xiv., pp. 215-218; Stanwood, *Tariff Controversies*, vol. i., pp. 175-176. For the debates see *Annals of Congress*, 15th Congress, 1st session, pp. 1726-1737, 1740-1743, 2550-2556, 2559-2562, 2580-2583.

† Taussig, *Tariff History*, p. 50.

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\* Taussig, p. 51.

† Stanwood, *Tariff Controversies* vol. i., pp. 176-178; Bishop, *History of Manufactures*, vol. ii., p. 242.



agreed to pay the Dey of Algiers \$21,600 annually in maritime stores as tribute for freedom from molestation in the Mediterranean. This tribute had been paid year after year, to the entire satisfaction of the Dey. But when the War of 1812 came on, the Dey, undoubtedly assured by a British agent that America would soon be conquered,\* began to act in a very hostile manner. When the ship *Alleghany* arrived, carrying the usual tribute, the Dey complained of the quality and paucity of the goods sent him and refused to receive them. On July 25, 1812, he ordered the vessel to leave port immediately and the American consul, Tobias Lear, with her, in spite of every attempt made by that officer to explain matters.† The Dey found a provocation also in the laws that regulate the motions of the earth and moon. The Moors computed time by the moon, whereas the Christian people reckoned it by the sun. The Mohammedan year, therefore, consisted of 345 days, and thus during the 17 years in which the United States had been paying tribute to Algiers, the difference in the time amounted to some six months in the Dey's favor. The Algerine then had the impudence to insist that the years referred to in the tribute agreement were Mohammedan and not Christian years, and therefore that the United States owed

him \$27,000.\* A demand was immediately made on Lear for this sum, and, believing it expedient to comply with the outrageous order, Lear borrowed the money for 30 days, later paying \$6,750 for it.† Nevertheless, as soon as the ship, cargo and consul were gone, and as soon as he received the money the Dey began a piratical warfare on American vessels. These outrages had to be endured while the war with England was in progress, and the persons captured by the Dey were reduced to the necessity of waiting for the return of peace before they could hope to be rescued. Madison endeavored to secure their release by confidential and friendly negotiation, but the terms demanded by the Dey were so preposterous that nothing could be done.‡ When the war with Great Britain was terminated, Madison, on February 23, 1815, sent a message to Congress in which he recommended a declaration of war.||

Congress willingly complied with the President's recommendations§ and two squadrons were soon assembled at Boston and New York, Captain William Bainbridge being in command of the former and Stephen Decatur of the latter. On May 18, 1815, the squadron under Commodore DeCa-

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\* Schuyler, *American Diplomacy*, p. 221.

† See Lear's report in *State Papers* (Wait) vol. ix., pp. 127-144.

‡ See the report of the committee, *American State Papers, Foreign Relations*, vol. iii., p. 748.

|| Richardson, *Messages and Papers*, vol. i., p. 554; *Niles' Register*, vol. viii., p. 24.

§ For the debate and other proceedings, see *Niles' Register*, vol. viii., p. 25-26.

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\* See Cooper, *Naval History*, vol. iii., p. 8; Mackenzie, *Life of Decatur*, pp. 260-262.

† Allen, *Our Navy and the Barbary Corsairs*, pp. 276-277; Maclay, *History of the Navy*, vol. ii., pp. 86-87.

tur, consisting of the frigates *Constellation*, 36 (Captain Charles Gordon), the *Macedonian*, 38 (Captain Jacob Jones), the *Guerrière*, 44, flagship (Captain William Lewis); the sloop-of-war *Epervier*, 18 (Captain John Downes), and *Ontario*, 16 (Captain Jesse D. Elliott); the brigs *Firefly*, 14 (Lieutenant George W. Rodgers), *Spark*, 14 (Lieutenant Thomas Gamble), and *Flambeau*, 14 (Lieutenant John B. Nicholson); and the schooners *Torch* and *Spitfire*, 12's (Lieutenants Wolcott Chauncey and Alexander J. Dallas),\* set sail and in a little more than three weeks arrived at Gibraltar. Nothing was heard of the enemy until June 15, when Decatur learned that the Algerian chief, Rais Hammida, the terror of the Mediterranean, had passed the straits two days before in the 46-gun frigate *Mashouda*.† Decatur immediately set out in pursuit, and in the early dawn of June 17, sighted the Algerian vessel. She was lying to off the coast, and everything about her seemed to show that the commander had no suspicion of the character of the American squadron; wherefore Decatur ordered that nothing be done to arouse his suspicions. The commander of the *Constellation*, however, misunderstood the order, and when about a mile

from the enemy hoisted the American flag.\* Though all the other ships displayed English colors, Hammida was not deceived and crowding on every inch of sail his ships would stand, he made for the coast of Algiers.† The *Constellation*, however, began to fire at long range and succeeded in putting several shot upon the deck of the corsair, whereupon she turned about and headed for Cartagena. Decatur in the *Guerrière* then bore down upon the enemy and, reserving his fire until the two ships were very close, poured in broadsides in such rapid succession as to create fearful havoc among the crew of the *Mashouda*.‡ At the first broadside Hammida was cut in two by a chain shot, but the Moors refused to surrender and made every effort to escape. In doing so they crossed the path of the *Epervier*, which, though vastly inferior in size, fired broadside after broadside until the *Mashouda* struck her colors.§ About 30 were killed aboard the *Mashouda* and 406 prisoners were taken.§

Decatur then dispatched his prisoners to Cartagena and continued his search for the remainder of the Algerian fleet, but not until June 19 did he sight a sail not far from Palos. A

\* *Niles' Register*, vol. viii., p. 231. See also Allen, *Our Navy and the Barbary Corsairs*, p. 281. Cooper (*Naval History*, vol. iii., p. 9) gives the armaments differently, as does Maclay (*History of the Navy*, vol. ii., pp. 88-89). Some give the date as May 20.

† Maclay, *History of the Navy*, vol. ii., p. 91.

\* Cooper, *Naval History*, vol. iii., p. 10.

† Maclay, *History of the Navy*, vol. ii., pp. 92-93.

‡ Brady, *Life of Decatur*, p. 110.

§ Allen, *Our Navy and the Barbary Corsairs*, pp. 282-284; Maclay, *History of the Navy*, vol. ii., p. 94.

§ Decatur's report in *American State Papers, Naval Affairs*, vol. i., p. 396. See also Cooper, *Naval History*, vol. iii., p. 10.

running fight of three days' duration followed, at the end of which the Algerian vessel ran into shoal water off the Spanish coast, where none of the American vessels except the *Torch*, the *Spark*, the *Spitfire* and the *Epervier* could follow. As these vessels kept up a hot pursuit, the Moors grounded their ship between the towns of Estacio and Albufera, and took to their small boats, whereupon the vessel fell captive to the American ships. The prize was then floated off and sent to Cartagena. It proved to be the Algerian brig *Estedio* (or *Estido*), 22, with a crew of 180 men, of whom 80 were captured.\* On boarding her, 23 of the crew were found dead, all the others having escaped.†

Decatur then lead his squadron toward Africa for the purpose of intercepting the rest of the Dey's fleet and of opening communications with the Dey. On June 28 Algiers was sighted, and at first glance it seemed to be almost impregnable, for in the mole which made the harbor were mounted 220 heavy guns, while on the walls surrounding the city were mounted 300 more. Taking a position beyond reach of these guns, Decatur sent an invitation to the Swedish consul and the captain of the port to come aboard. Decatur then informed them that the *Mashouda* and the *Es-*

*tedio* had been captured and Ham-mida killed, and that he wished to negotiate for peace.\* The captain of the port proposed that those in charge of the peace negotiations should hold their sessions on land, but, as his purpose was plainly to gain time, Decatur insisted that peace be made on the deck of the *Guerrière* or not at all, and the Moor went back to consult his superiors.† Decatur stipulated that the Dey forego all claims to future tribute; free all prisoners without ransom, repay in money the value of the goods and property taken from them; pay \$10,000 to the owners of the *Edwin*, captured some time previous by the Algerian cruisers; promise to emancipate any Christian slave in Algiers who should escape to an American man-of-war; treat captives taken in any future war not as slaves, but as prisoners of war exempt from labor; and guarantee that American commerce would never again be molested.‡ The captain of the port protested that the terms were too hard, but Decatur refused a minute's delay, and the Moorish agent hurried ashore with the intention, if the Dey accepted the terms, of returning with a white flag in his boat.¶ While the captain

\* Decatur's report in *American State Papers, Naval Affairs*, vol. i., p. 396. See also Allen, *Our Navy and the Barbary Corsairs*, p. 284.

† Brady, *Life of Decatur*, pp. 111-112; Cooper, *Naval History*, vol. iii., p. 11; Maclay, *History of the Navy*, vol. ii., pp. 95-96.

\* Shaler, *Sketches of Algiers, Political, Historical and Civil*, app. D.

† Cooper, *Naval History*, vol. iii., pp. 11-12.

‡ Allen, *Our Navy and the Barbary Corsairs*, p. 286; Maclay, *History of the Navy*, vol. ii., pp. 96-97.

¶ Brady, *Life of Decatur*, p. 113; *American State Papers, Foreign Relations*, vol. iv., p. 6; Maclay, *History of the Navy*, vol. ii., p. 97.



of the port was ashore, an Algerian vessel loaded with Turkish soldiers hove in sight. Decatur cleared his ship for action, and was about to attack the enemy when a boat containing the captain of the port was seen rapidly approaching with a white flag. The *Guerrière* thereupon hauled about, the captain of the port came aboard, and in a few minutes the treaty was signed (June 30).<sup>\*</sup> All the American captives were released, and, as Ingersoll says, "Tribute renounced forever, prisoners emancipated, compensation for whatever losses were stated, together with stipulations for the humanities of international law, were the terms of this treaty, which served as a model to similar conditions soon afterwards submitted to unresistingly by Tunis and Tripoli." When the treaty was signed Decatur voluntarily returned to the Dey the two vessels previously captured.<sup>†</sup> Before proceeding further, Decatur determined to send one of the smaller American vessels to the United States with the news of his success. The *Epervier*, Lieutenant John T. Shubrick in command, was selected, but, after passing the straits of Gibraltar on July 12 that vessel never was seen or heard of afterward;

and when and how she met her fate is still a mystery.<sup>\*</sup>

After dispatching the *Epervier*, Decatur left Algiers and on July 26 anchored off Tunis to demand satisfaction for an insult to the Americans during the late war. An American privateer, *Abellino*, had sent prizes into Tunis (a neutral port), but the Dey had allowed the British cruiser *Lyra* to retake them in defiance of neutral rights and treaty stipulations, and for these actions Decatur demanded the payment of \$46,000 within twelve hours, under pain of an immediate attack.<sup>†</sup> The terms were accepted, the money was paid,<sup>‡</sup> and Decatur proceeded to Tripoli, which he reached on August 5. The Pacha (or Bashaw) had doubly offended in allowing the British cruiser *Paulina* to take out from the port two prizes sent in by the *Abellino* and by forcing the American consul to lower his flag. Decatur demanded \$30,000 for the prizes and that the flag be saluted by 31 guns. The Pacha blustered, refused, gathered an army of 20,000 men, and threatened to declare war; but Decatur had begun to take soundings preliminary to commencing a bombardment, and the Pacha quickly sub-

<sup>\*</sup> *American State Papers, Foreign Relations*, vol. iv., pp. 4-6; *Niles' Register*, vol. ix., pp. 312-314; Allen, pp. 287-288, 320-322; *Annals of Congress*, 14th Congress, 1st session, pp. 1470-1475.

<sup>†</sup> Decatur's report in *American State Papers, Naval Affairs*, vol. i., p. 396. See also Schuyler, *American Diplomacy*, pp. 222-223; Waldo, *Life of Decatur*, pp. 273-278.

<sup>\*</sup> Maclay, *History of the Navy*, vol. ii., pp. 98-99; Allen, *Our Navy and the Barbary Corsairs*, p. 289; Cooper, *Naval History*, vol. iii., p. 13.

<sup>†</sup> Brady, *Life of Decatur*, p. 116; Cooper, *Naval History*, vol. iii., p. 14.

<sup>‡</sup> Decatur's report in *American State Papers, Naval Affairs*, vol. i., p. 397; Allen, pp. 289-290; Noah, *Travels in England, France, Spain and the Barbary States*, p. 264 et seq.; Maclay, *History of the Navy*, vol. ii., pp. 99-100.

sided. The indemnity was reduced to \$25,000, in consideration of which ten persons were released, two of whom were Danes and the others Sicilians.\*

Meanwhile Commodore Bainbridge had arrived at Gibraltar with his squadron consisting of the *Independence*, 74, flagship (Captain William M. Crane); the frigates *United States*, 44, (Captain John Shaw), and *Congress*, 36 (Captain Charles Morris); the sloop-of-war *Erie*, 18 (Captain Charles G. Ridgely); the brigs *Chippewa*, *Saranac*, *Boxer*, and *Enterprise*, 14's (lieutenants George C. Read, John H. Elton, John Porter, and Lawrence Kearney); and the schooner *Lynx*, 6 (Lientenant George W. Stover).† After he had settled the difficulties with the Barbary powers Decatur joined Bainbridge; but, as the duplicity of the Barbary rulers was well known and as it was feared that their recent punishment would only instigate them to still more barbarous outrages, it was determined to divide the combined squadron, leaving part of it to winter in the Mediterranean while the other ships should proceed home. In October, therefore, Bainbridge returned home, where he found Decatur, who had reached New York

on November 12.\* The precaution proved to be wise, for during the winter and early spring of 1816 the Dey of Algiers again began to act in a hostile manner. The Dey had been persuaded that the treaty concluded by him was disgraceful, and was angry also because the brig (*Estedio*) which Decatur had promised would be returned to him and which was actually delivered to his officers, had been seized by the Spanish authorities as a ship which was captured within their waters, for which the Dey blamed the United States.‡ Furthermore, while Great Britain had been forced to pay about \$400,000 for the liberation of 12,000 Neapolitans and Sardinians held in captivity, Decatur had forced the release of captives without the payment of a single dollar.‡ Therefore, when the treaty concluded the preceding year and duly ratified by the Senate was presented by the American consul to the Dey, it was returned with a note of such insolence that the consul, fearing for his safety, hauled down the flag and took up his abode aboard the *Java*, then under command of Commodore Perry.||

\* Allen, pp. 292-294. Brady (*Life of Decatur*, p. 121) says November 18.

† Regarding this see the Dey's letter in Allen, pp. 335-337, and Madison's letter in Madison's *Works* (Congress ed.), vol. iii., p. 17.

‡ Mackenzie, *Life of Perry*, vol. ii., pp. 115-116. Mackenzie says only 1,200 captives, while Maclay says 12,000. McMaster (vol. iv., p. 356) also gives the latter figure.

|| Maclay, *History of the Navy*, vol. ii., pp. 102-103; Allen, pp. 295-296. Mackenzie (*Life of Perry*, p. 118) says the consul went aboard the *United States*.

\* Decatur's report in *American State Papers, Naval Affairs*, vol. i., p. 398; Cooper, *Naval History*, vol. iii., pp. 14-15; Allen, pp. 290-291; Maclay, *History of the Navy*, vol. ii., pp. 100-101; Schuyler, *American Diplomacy*, p. 224; Waldo, *Life of Decatur*, p. 279.

† Cooper (*Naval History*, vol. iii., p. 15) adds the *Firefly*, as does Maclay (*History of the Navy*, vol. ii., p. 102), who gives the armaments differently.

Captain John Shaw, in command of that part of the fleet which had been left in the Mediterranean, immediately instituted measures for compelling the acquiescence of the Dey to the terms of the treaty. He arranged his fleet in a position to bombard the mole, and was about to begin the at-

tack when the commander of a French ship discovered the preparations and notified the Dey, who immediately submitted.\* The fleet then visited the Bey of Tunis, and thus ended operations on the Mediterranean, all the ships save four sailing for home in October.†

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## CHAPTER XXVIII.

### 1815-1817.

#### INTERNAL AFFAIRS — ELECTION OF MONROE.

Passage of the Compensation Bill and its unpopularity — Election of Monroe and Tompkins — The Federalist plot in Maryland — Enactments of Congress — The inauguration of Monroe — His tour through the North — Factional disputes in Pennsylvania and New York — Reforms and the adoption of a new constitution in Connecticut — Change in the election of governor in Maryland — Establishment of the University of Virginia.

While Decatur was punishing the Barbary pirates, while the merchants and manufacturers were adjusting their business to the new tariff, and while the Secretary of the Treasury was endeavoring to enforce the resumption of specie payment, the Presidential election was held and Congress had passed several acts which its members could scarcely justify.

One of these related to the pay of Congressmen. By a law passed by the First Congress in 1789, members of the House and Senate received mileage and \$6 for each day's attendance at Congress. As its sessions generally last about five or six months, their total compensation approximated \$1,000. Many of these men were of large capabilities, of considerable attainment, and could

have made in private business or practice many times the sum allowed for their services to the Nation. Between the time when the law was enacted and the end of the war with Great Britain, the cost of living and the earning capacities of those in industrial or commercial life had greatly increased, but members of Congress still received what they did 27 years

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\* For the terms, which were nearly identical with those of the previous treaty, see Allen, pp. 297-300. Mackenzie says that the Americans abandoned the attack on the ground that as the treaty, though not ratified, had been in force since Decatur negotiated it, it was so far binding upon the United States as to require an interval of three months before beginning hostilities. Perry then visited the Dey and his visit resulted in the renewal of cordial relations. (Mackenzie, *Life of Perry*, vol. ii., pp. 120-122.)

† Maclay, *History of the Navy*, vol. ii., p. 104. In this connection, see also R. S. Rodgers, *Closing Events of the War with Tripoli*, in *Proceedings of the United States Naval Institute*, vol. xxxiv., pp. 889-916 (1908).



before, and Congressmen thought there was sufficient reason for a moderate increase. But a very different cause was assigned as a reason for changing the manner and the amount of compensation. As already stated, the members were paid at a certain rate per day of attendance, and it was evident that this method had much to do with the slowness with which Congress transacted its business. During the first session of the Fourteenth Congress only seven bills had been sent to the President ten weeks after convening, and it was thought that there was no reason why a body of 218 men should take six months or more to transact business that easily might be done in half the time. When the reformers cast about for a reason they found it in the manner of compensating Congressmen, and therefore they endeavored to change from a *per diem* to a fixed yearly payment.\* On March 4, 1816, Richard Mentor Johnson requested that a committee be appointed to consider the matter and a few days later a bill was returned changing the pay from \$6 per day to \$1,500 a year for the members; to \$3,000 each for the Speaker and the Vice-President, or, in case there were no Vice-President, for the President *pro tem.* of the Senate.† There was much opposition to the increase, but after debate, the bill was finally passed in the House on March 8 by a

vote of 81 to 67\* and sent to the Senate, where it met with little opposition. The Senate passed the bill on March 14, by a vote of 21 to 11† and on March 19 it was signed by the President.‡

When the law became known a great cry arose throughout the country, though the excitement was out of all proportion to the interests involved. It was said that the members of Congress would not consent to stay six months in session when the same pay would be received for rushing the necessary business through in a week, and that consequently the public business would be either neglected altogether or hurried through without careful consideration. Mass meetings were held in various parts of the country, petitions were drawn up and signed, and the opposition rapidly spread throughout the States.|| The Congressmen who voted

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\* *Annals of Congress*, 14th Congress, 1st session, pp. 1127-1134, 1158-1187; Benton, *Abridgment*, vol. v., pp. 610-621.

† *Annals*, pp. 184-193, 199-204; Benton, *Abridgment*, vol. v., pp. 464-468.

‡ Adams, *United States*, vol. ix., pp. 120-122; Fuller, *Speakers of the House*, pp. 45-46; *Annals*, p. 1801.

|| "Who would have believed," asked John Randolph some time afterward, "that the people of the United States would have borne all the privations and losses of the late war, and of the measures that led to it; that they would have quietly regarded a national debt, swelled to an amount unknown,—to an amount greater than the whole expense of our seven years' war; that they would have seen the election of President taken out of their hands [meaning the new caucus system]; that they would have borne with abuse and peculation through every department of the government—and that the great Leviathan,

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\* McMaster, vol. iv., pp. 357-360.

† *American State Papers, Miscellaneous*, vol. ii., pp. 299-300.

for the increase were roundly denounced, and threatened with retirement to private life on the approaching elections. During the elections held in August and September Congressmen who had voted for the act failed of re-election, though some (Clay, Calhoun, Johnson and Desha, for instance) came through safely.\* Some months later, Clay said: "When I went home, I do not recollect to have met with one solitary individual of any description of party who was not opposed to the act, who did not, on some ground or other, think it an improper and unjust law,"† while Benjamin Hardin declared that hatred of the law was the one sure route to political office and popular favor.‡ Seven of the Kentucky members were not re-elected; Georgia sent back but one of her delegation; South Carolina but 3 out of 9; Maryland only 4 out of 9; Pennsylvania but 13 out of 23; and Connecticut 2 out of 7; while not a single member was returned from Ohio, Delaware or Vermont.||

While Congress was thus making

which slept under all these grievances, should be aroused into action by the Fifteen-Hundred Dollar law?"—*Annals of Congress*, 14th Congress, 2d session, p. 501.

\* Sargent, *Life of Clay*, p. 68; Schurz, *Life of Clay*, vol. i., pp. 138-139; Rogers, *The True Henry Clay*, pp. 95-97; Jenkins, *Life of Calhoun*, pp. 134-135; Jefferson's letter to Gallatin in *Gallatin's Writings*, vol. ii., p. 5.

† *Annals of Congress*, 14th Congress, 2d session, p. 497.

‡ See also Adams, *United States*, vol. ix., pp. 136-137.

|| McMaster, vol. iv., p. 362; and *Life of Webster*, pp. 90-95.

itself unpopular, the choice of Presidential electors went on, the friends of various aspirants for the Presidency setting energetically to work in their behalf. The predominance of Virginia was still evident, but the New York Republicans were still jealous of Southern power, and this jealousy had extended to the most popular and influential politicians of the period, who thought it was high time for the Virginia dynasty to end. Some Southerners proposed the name of William Harris Crawford, but a Rhode Island State convention and a legislative caucus in Pennsylvania came out so strongly for Monroe that all hope of securing a President from the North was abandoned and the opposition united on Crawford. When the caucus was held for nominating candidates for the two offices (March 16, 1816) Monroe received 65 votes and Crawford only 54 for the Presidency, and Tompkins was nominated for the Vice-Presidency over Simon Snyder, of Pennsylvania, by a vote of 85 to 30.\*

Although there was no hope of electing their candidate, the Federalists nominated Rufus King for the Presidency and left the choice for the Vice-Presidency entirely to the electors. The nomination of Monroe seems to have been approved everywhere, and when the elections were held in the fall Monroe overwhelm-

\* Adams, *Lives of Madison and Monroe*, pp. 298-299; Stanwood, *History of Presidential Elections*, p. 66.

ingly defeated his opponent. During the election the Federalists attempted to resort to fraud in Maryland. Under the constitution of that State, the State senate was chosen for five years by a body of electors sent from the counties. The number of these bore no relation to population, for the City of Baltimore, where there were then 6,000 voters, had only one elector—the same as Annapolis, with her 260 voters. The Federalists needed but one more elector to secure a Federalist senate for five years, and, as Annapolis was Republican by only about 30 majority, they decided to colonize the city in an effort to carry it. No citizen could vote in Maryland who had not resided for six consecutive months in one city or county, and in the latter part of the winter bands of laborers and mechanics began to take up their residences at the taverns of the city, claiming to be in search of work. Though they secured no work, they still continued to pay their bills, and did not seem to be particularly anxious as to their future; which caused the Republicans to suspect the real cause of their migration. The plot was soon uncovered, when it was proven that the laborers had been hired for \$20 a month and their board to take up residence in Annapolis and vote the Federalist ticket. In consequence of this attempt to colonize, the Federalists suffered severely, and when the Presidential election took place they were able to elect only 3 of the 11 elec-

tors. They had much cause for remorse, for outside of Massachusetts, Connecticut and Delaware, not another electoral vote was secured for their party.\*

At this time there were 221 electoral votes, as the admission of Indiana had added 3 more members to the electoral college; but one member did not vote in Delaware, while the 3 Federalist electors in Maryland refused to attend the State Capitol, and thus but 217 ballots were cast, as follows:†

Elec- toral votes	STATES	PRESIDENT		VICE-PRESIDENT	
		James Monroe, Virginia	Rufus King, New York	D. D. Tompkins, New York	John E. Howard, Maryland
8	New Hampshire.....	8	.....	8	.....
22	Massachusetts.....	.....	22	.....	22
4	Rhode Island.....	4	.....	4	.....
9	Connecticut.....	.....	19	.....	.....
8	Vermont.....	8	.....	8	.....
29	New York.....	29	.....	29	.....
8	New Jersey.....	8	.....	8	.....
25	Pennsylvania.....	25	.....	25	.....
3	Delaware.....	.....	3	.....	.....
8	Maryland.....	8	.....	8	.....
25	Virginia.....	25	.....	25	.....
15	North Carolina.....	15	.....	15	.....
11	South Carolina.....	11	.....	11	.....
8	Georgia.....	8	.....	8	.....
12	Kentucky.....	12	.....	12	.....
8	Tennessee.....	8	.....	8	.....
8	Ohio.....	8	.....	8	.....
3	Louisiana.....	3	.....	3	.....
3	Indiana.....	3	.....	3	.....
217	Total.....	183	34	183	22

Having provided for the executives during the next four years, the House turned to the enactment of public

\* McMaster, vol. iv., pp. 367-368.

† Stanwood, *History of Presidential Elections*, p. 67; *Annals of Congress*, 14th Congress, 2d session, pp. 114, 138, 949; Adams, *Lives of Madison and Monroe*, pp. 299-300; Schouler, *United States*, vol. ii., pp. 511-512, 520.

‡ For Vice-President Connecticut gave 5 votes to James Ross, of Pennsylvania, and 4 votes to John Marshall, of Virginia.

|| For Vice-President Delaware cast her 3 votes for Robert G. Harper, of Maryland.





JAMES MONROE.

Fifth President of the United States.

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measures. The compensation law had given so much displeasure to the country at large that a special committee was appointed to inquire as to the expediency of repealing it, the committee consisting of Johnson, Daniel Webster, William Findley, Timothy Pitkin and three others (Webster writing the report). The debate had to be postponed till after the holidays, and when it began no other business was considered for nine days, and when it was finished, the House, on January 23, by a vote of 138 to 27, decided to take the money, repeal the act after the close of the session, and defer the matter of pay for future consideration.\* Among the other acts passed by Congress before March 4, was one authorizing the people of Mississippi to form a State constitution;† another organizing the new Territory of Alabama;‡ one admitting Indiana into the Union;|| one regulating the trade in plaster of paris and stopping its importation from any country whence

it could not be imported in American vessels;\* and another (the navigation act) providing that on and after October 1 no goods, wares or merchandise should be imported into the United States from any foreign port or place, except in American vessels, or in such foreign ships as actually belonged to citizens or subjects of the country in which such goods, wares or merchandise were grown, produced or made.† Among the bills that failed of passage was one creating a fund for internal improvements, which Madison vetoed on March 3.‡

In 1817 the inauguration ceremonies were held in the open air for the first time since 1789. After Monroe had finished his inaugural address,|| the oath was taken and Monroe became the fifth President of the United States. Immediately afterward he sent to the Senate the names of those he had selected for his cabinet. The office of Secretary of State, the place Clay had so much coveted, was given to John Quincy Adams, who had been

\* See *Annals of Congress*, 14th Congress, 2d session, pp. 22-23, 235-243, 312-321, 483-563, 574-693, 700-714, 1278; Benton, *Abridgment*, vol. v., pp. 655, 673-674, 686-695.

† *Annals*, pp. 52, 358-360, 564-566, 1026-1027, 1282-1285. The text of the enabling act, the act of admission and the constitution framed in 1817 will be found in Thorpe, *Federal and State Constitutions*, vol. iv., pp. 2029-2048.

‡ *Annals*, pp. 1310-1312; Thorpe, *Federal and State Constitutions*, vol. i., pp. 89-92.

|| *Annals*, pp. 20-21, 252-254, 1337, 1348. The enabling act of April 19, 1816, the ordinance accepting this act, June 29, 1816, and the resolution for admission of December 11, 1816, together with the constitution, are in Thorpe, *Federal and State Constitutions*, vol. ii., pp. 1052-1073.

\* *Annals*, pp. 1298-1299.

† *Annals*, pp. 357, 770, 840-842, 1286-1287; McMaster, vol. iv., pp. 371-372; Adams, *United States*, vol. ix., p. 146 *et seq.*

‡ Richardson, *Messages and Papers*, vol. i., pp. 584-585; *Niles' Register*, vol. xii., pp. 25-26. See also *Annals*, pp. 165-180, 185-188, 190-191, 211-213, 296, 361, 464-468, 851-871, 874-923, 933-934, 1052, 1059-1062; Benton, pp. 704-711, 721-722.

|| Richardson, *Messages and Papers*, vol. ii., pp. 4-10; *Annals of Congress*, 14th Congress, 1st session, pp. 220-226; Benton, *Abridgment*, vol. v., pp. 668-671. See also Adams, *Lives of Madison and Monroe*, pp. 301-309; *Niles' Register*, vol. xii., pp. 17-20.



recalled from his post at London;\* William Harris Crawford, who had formerly represented the United States at Paris, became Secretary of Treasury; B. W. Crowninshield was continued at the head of the Navy Department; and Meigs continued as Postmaster-General. The office of Secretary of War was first offered Clay, who refused it with some show of temper,† and next to Governor Shelby, of Kentucky, who, though both nominated and confirmed, declined for reasons of age. It was not before December of 1817 that Monroe succeeded in inducing Calhoun to accept the vacant post.‡ Rush continued in the Attorney-Generalship until December,

when William Wirt was appointed as his successor.\*

Shortly after his inauguration Monroe announced his intention of making a tour through the Eastern, Middle, and Western States for purpose of inspecting the various fortifications then in process of construction under the appropriations previously made by Congress, and of selecting new points for the erection of strong batteries. On May 31 he set out, returning to the White House in September,† after traveling more than 2,000 miles. This was the first time since the days of Washington that a President had ever shown himself to the people, and his appearance in the Middle and Eastern States aroused an outburst of enthusiasm which made his tour of duty a triumphant procession, men of both parties joining to give him such a welcome as had never been extended to any of his predecessors. Regarding this journey, Crawford wrote to Gallatin as follows:

"The President's tour through the East has produced something like a political jubilee. They were in the land of steady habits, at least for the time, 'all Federalists, all Republicans.' If the bondmen and bondwomen were not set free, and individual debts released, a general absolution of political sins seems to have been mutually agreed upon. \* \* \* The carping, the malevolent men in the Ancient Dominion are ready to denounce him from his apparent acquiescence in the seeming *manœuvrship* with which he was vener-

\* Schouler, *United States*, vol. iii., pp. 14-15.

† Gallatin's *Writings*, vol. ii., p. 55; Gilman, *Life of Monroe*, pp. 138-139. Madison, however, seemed to think that the harmony of sentiment so extensively maintained would strengthen the Administration. See Schouler, *United States*, vol. iii., p. 13, quoting Monroe MSS.

\* Regarding this selection, Monroe wrote to Jefferson as follows: "I am inclined to believe that if I nominate anyone from this quarter the [South and West] \* \* \* I should embody against the approaching administration, principally to defeat the suspected arrangement for the succession, the whole of the country north of the Delaware immediately, and the rest [north] of the Potomac would be likely to follow it. My wish is to prevent such a combination. \* \* \* With this view I have thought it advisable to select a person for the Department of State from the Eastern States."—Monroe's *Writings*, vol. vi., p. 3. See also his letter to Jackson regarding appointments in general, quoted in Adams, *Lives of Madison and Monroe*, pp. 311-313; *Niles' Register*, vol. xxvi. pp. 160-166; Schouler, *United States*, vol. iii., pp. 4-5.

† Regarding this, Crawford wrote to Gallatin as follows: "It is understood that [Clay] objects to entering the Cabinet in what he considers subordinate rank. \* \* \* How the conduct between his ambition and his dread of retirement will terminate remains to be seen. I think there are but few men who have less relish for retirement than Mr. Clay."—Gallatin's *Writings*, vol. ii., p. 36.

‡ Hunt, *Life of Calhoun*, p. 43; Jenkins, *Life of Calhoun*, pp. 140-142.

ated by the *wise men of the East*. Seriously, I think the President has lost as much as he has gained by this tour, at least in popularity." \*

Though party lines were almost obliterated in National politics, the same old political strife was maintained in State and local affairs. A bitter factional dispute raged in Pennsylvania between the office-holders on one side and the *Aurora* and Leib democracy on the other. In 1817 the former faction nominated William Findlay, formerly State treasurer, for the governorship, while the latter faction chose Joseph Heister. The canvass was one of the most scurrilous in the history of the State, but, with the aid of the Federalists, Findlay won by a small margin. There were strong indications at the time that the voters were tiring of the old system of selecting candidates by legislative caucus, since this system was liable to sinister and corrupt influences and the nominators were likely to be subserv-

ient to those who made large contributions to campaign expenses. The Harrisburg convention which nominated Findlay so far modified the old system as to admit, in addition to the Republican members, delegates from counties represented by the Federalists. Heister was nominated by a convention composed entirely of county delegates specially chosen, which met at Carlisle.\*

A similar change in the nominating caucus had taken place earlier in New York, and under the new system De Witt Clinton came back to power in April of 1817. Clinton's identification with the project of improving internal highways, especially the Erie Canal project, had gained for him a large amount of popular support, irrespective of party affiliations. After Tompkins was elected Vice-President and resigned the governorship to enter office, the State legislature ordered a new election. Clinton patched up his old feud at home, and became friendly with Tompkins, thus securing the support of his followers, obtaining the regular Republican nomination and carrying the election in April of 1817 by a substantial majority. His pathway was not of the smoothest, however, for he had a crafty and persevering foe in Martin Van Buren, one of the shrewdest politicians of the time, who, at the head of the Tammany forces, having failed to prevent Clinton's nomination, set up a new organ-

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\* Adams, *Lives of Madison and Monroe*, pp. 314-315; Gilman, *Life of Monroe*, pp. 136-137. See also *A Narrative of a Tour of Observation made during the Summer of 1817 by James Monroe, President of the United States, the North-Eastern and North-Western Departments of the Union; with a View to the Examination of their several Military Defences* (Philadelphia, 1818); S. P. Waldo, *Tour of James Monroe, President of the United States, in the year 1817, through the State of Maryland, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Ohio; together with a Sketch of his Life* (Hartford, 1818), and *Tour of James Monroe, President of the United States, through the Northern and Eastern States, in 1817; his Tour in 1818, with a sketch of his Life* (Hartford, 1819). Various items, with addresses, etc., are in *Niles' Register*, vol. xii., *passim*.

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\* Schouler, *United States*, vol. iii., pp. 48-49.

ization of the State democracy which later became formidable.\*

In Massachusetts everything ran smoothly, the mild Federalist John Brooks being reëlected governor in 1817 and 1818 and many years longer, defeating at the polls old-fashioned Republicans like Dearborn and Crowninshield. In Connecticut, after a violent canvass, Oliver Wolcott had been elected governor, his election being quite as much a religious as a political triumph. Methodists, Baptists, Universalists, Episcopalians and others who had been placed under the ban of the old Congregational establishment with which State Federalism had been so long connected, had united with the Republicans to throw off the yoke in intolerance. Some of these church preferences rested upon Puritan traditions, while others had been created by statute. Taxation had been employed to the utmost for the special benefit of the Congregational establishment and to the detriment of other religious bodies; hence they rebelled. During Wolcott's first term the lower branch of the legislature was Republican by a small majority, but the Federalists controlled the upper branch, and reform measures were for the moment thwarted. After Monroe's visit to the State, however, the zeal for reform gained a new impulse and at an adjourned session in the fall

of 1817, when some of the obstructionists had been thrown out, the legislature began the work of reform. One of the first measures attacked was the so-called "stand-up law" (passed about 1801), under which all votes for committees or members of the upper house or secret council were required to be given at one time, the freemen standing up while being counted, in case of a division.\* Naturally, when the contest was close, dependent voters, laborers, clerks, and the like refrained from voting, since, if they voted according to their convictions, they were liable to lose their positions and thus face poverty. As the senior names were first voted upon in town meeting, the effect of the law may readily be surmised. Hence the councillors became a powerful secret force in the State. This law was repealed and the work thus well begun was continued in 1818, when Wolcott was reëlected and both branches of the legislature were committed to reform.

At its May session of 1818 a resolution was passed by the legislature recommending that on July 4 the towns meet and elect delegates to a convention to assemble at Hartford in August to frame a new constitution.† This body met on August 26, 1818, chose Wolcott as its president, and completed its labors on September 16, 1818, when a new constitution was adopted by a vote of 134 to 61 and

\* Schouler, *United States*, vol. iii., pp. 49-50. See also F. J. Turner, *Rise of the New West*, pp. 43-44.

\* *Niles' Register*, vol. xiii., pp. 1-31, 193-194.

† *Ibid.*, vol. xiv., pp. 272, 309-310.



offered to the people for approval.\* It was submitted to the people on October 5, 1818, adopted by a vote of 13,918 to 12,361, and promulgated on October 12.† The right of suffrage was extended and voting was to be by ballot; church and state were separated, no one could be compelled to join or support any religious sect, and each religious body must thenceforth seek financial support from among its own members.‡ Sessions of the legislature were to be held annually instead of semi-annually, and the secret council or board of assistants was converted into an open senate, with a slight increase in membership. Judges, who previously held office for only a year, were now appointed by the General Assembly and held office during good behavior. The sessions of the legislature were to be held, as heretofore, alternately at Hartford and New Haven, and this custom was

followed for more than 50 years.\* By an amendment which, on its adoption in October of 1873, became Article xiv., Hartford alone became the capital of the State and it was provided that after the first Wednesday in May of 1875 all annual and special sessions of the legislature should meet at that place.† The same situation occurred in Rhode Island, where under the constitution of 1842, the sessions of the legislature were held at Providence and Newport,‡ but on November 6, 1900, an amendment was adopted (Article xi.) providing that the annual sessions of the legislature should be held at Providence.||

In the other States little of importance had occurred. In Maryland, where the governor was still chosen by the legislature, efforts were being made to amend the constitution so that the choice might rest with the people. This amendment was not secured for some years, however, and it was not until 1837 that an amendment carrying this provision was adopted.§ In 1818 the Virginia legislature took a step forward when, through the efforts of Joseph Carrington Cabell, it passed its first bill providing for the establishment of a State university, for which Jefferson had so

\* For text see Thorpe, *Federal and State Constitutions*, vol. i., pp. 538-547. See also *Niles' Register*, vol. xv., pp. 30-31, 65-70.

† *Niles' Register*, vol. xv., p. 164.

‡ By a law passed in 1820 the polls of all white male persons from the age of 21 to 70 were required to be inserted in the tax list at \$30 each, with the proviso that the assessors and board of relief of each town might abate or exempt from taxation the polls of infirm, sick and disabled persons, not exceeding one-tenth part of the taxable polls. Ministers of all denominations, and instructors and students in colleges and incorporated academies were to be exempt, as were also militiamen, provided that on or before October 20 of each year each furnished a certificate "that he is equipped according to law, and dressed in uniform, and has performed military duty during the preceding year."—*Niles' Register*, vol. xviii., p. 288.

\* Schouler, *United States*, vol. iii., pp. 53-54.

† Thorpe, *Federal and State Constitutions*, vol. i., p. 551.

‡ *Ibid.*, vol. iv., p. 3227.

|| *Ibid.*, vol. vi., p. 3237.

§ Section 20 of the amendment. See Thorpe, vol. iii., p. 1710.

long been working.\* Jefferson secured its location at Charlottesville, and in January of 1819 Central College was legally merged into the University of Virginia. Then began the real preparation for the opening of the

new institution, a task which absorbed Jefferson's mind and heart until his death, he planning and designing the group of buildings and personally superintending every detail of their construction.\*

## CHAPTER XXIX.

1815-1821.

### THE FLORIDA IMBROGLIO.

The attack on Negro Fort — Occupation of Amelia Island by Aury and MacGregor — Their expulsion by the United States — Spain's protest against filibustering and the enactment of the Neutrality Law — Opening of the Seminole War — The arrest, conviction and execution of Arbuthnot and Ambrister — End of the Seminole War — Opinions of the Cabinet regarding Jackson's conduct — Adams' reply to Onis' protest — His letter to Pizarro — Clay's attack on Jackson and the latter's exoneration by Congress — Efforts to establish a southern boundary — Offers to purchase Florida — The Spanish king's land grants — The negotiation and final ratification of the treaty — Jackson's appointment as governor of Florida — His dispute with Spanish officials — Erection of Florida into a Territory.

By the terms of the treaty of Fort Jackson, concluded by Jackson in 1814, the United States secured several million acres of land from the Creek Indians. Part of the Creek nation, however, refused to accede to the treaty, fled to Florida, and took refuge with the Seminoles. In Florida these Indians became the allies of Great Britain, and soon after their arrival the Seminoles concluded a treaty of offensive and defensive alliance with Colonel Edward Nicholls. An old fort on the Appalachicola, 60 miles below the mouth of the Flint, was then completed and a demand was made of Colonel Benjamin Hawkins for the arrest of certain persons charged with murder by the Seminole

chief, Billy Bowlegs (or Boleck) and for the evacuation of the Creek lands, in accordance with the ninth article of the treaty of peace.† Hawkins sent this demand to the governor of Georgia and an account of Nicholls' actions to the Secretary of War. Madison, therefore, instructed Adams in London to protest against this action to Bathurst, which he did and was informed that the Government would not sanction Nicholls' treaty with the Indians.‡ Early in the summer of 1815 Nicholls, with several of

\* The report of the commissioners rendered by Jefferson and the act establishing the university are in *Niles' Register*, vol. xv., sup., pp. 79-86.

\* See Herbert B. Adams, *Thomas Jefferson and the University of Virginia* (United States Bureau of Education monographs); the various biographies of Jefferson; *The South in the Building of the Nation*, vol. x., pp. 221-222, 244-245.

† See the letters regarding this in *American State Papers, Foreign Relations*, vol. iv., p. 543 et seq.; Parton, *Life of Jackson*, vol. ii., pp. 393-395.

‡ Parton, *Life of Jackson*, vol. ii., pp. 395-397.

the Creeks, set sail for London, leaving in the fort 763 barrels of cannon powder, 2,500 muskets, hundreds of carbines, pistols, swords, etc., and many casks of gunpowder.\* At this time there were in Florida more than 1,000 negroes, who had escaped from slavery in Georgia and had settled along the banks of the Appalachicola not far from the British post. After the post had been abandoned by Nicholls, these negroes took possession of the place and, supplying themselves with arms and powder, soon began to plunder the Georgia frontier. Jackson, who then commanded the southern division, was directed by Secretary of War Crawford to call the attention of the Spanish commander of Pensacola to the subject and demand that the nuisance be suppressed, assuring the commander that if Spain did not destroy the fort and scatter these negroes, the United States would.†

Meanwhile General Edmund P. Gaines had been ordered to take possession of the territory acquired from the Indians, to build block-houses and forts where necessary, and to protect those engaged in surveying and laying out the land. Early in March of 1816 Gaines sent Lieutenant-Colonel D. L. Clinch on this errand,‡ and

Clinch went down the Chattahoochee, Gaines began to feel uneasy over the British post (now named Negro Fort) and in March of 1816, was authorized by Jackson to build a new post (subsequently called Fort Scott) not far from the place where the Flint and the Chattahoochee unite to form the Appalachicola. Gaines determined to bring the supplies for this post by sea; but this route would necessitate the passing of Negro Fort, and Gaines, fearing an attack, requested a convoy of gunboats from Daniel T. Patterson commanding the New Orleans station.\* Two gunboats were thereupon provided and late in June the flotilla set sail for the mouth of the Appalachicola, which it reached on July 10. Meanwhile Gaines had heard that the Indians were dancing the war dance and making preparations for war, and, feeling certain that the negroes would attempt to obstruct the passage of the fleet, ordered Colonel Clinch to take a body of troops down the river, station them near Negro Fort, and, if the fleet were molested in any way, to raze the post to the ground.† Clinch thereupon sent an express to Jairus Loomis, commander of the flotilla, requesting him not to enter the river until Clinch had arrived at the Fort.‡ On July 16

\* Chadwick, *Relations of the United States and Spain*, p. 118; Fuller, *The Purchase of Florida*, pp. 227-228.

† *American State Papers, Foreign Relations*, vol. iv., p. 556; Parton, *Life of Jackson*, vol. ii., p. 400 *et seq.*

‡ *American State Papers, Foreign Relations*, vol. iv., p. 558.

\* Gaines to Patterson, May 22, 1816, *American State Papers, Foreign Relations*, vol. iv., pp. 558-559; Fuller, *The Purchase of Florida*, p. 229.

† Sumner, *Life of Jackson*, p. 53; Fuller, *The Purchase of Florida*, p. 230; Parton, *Life of Jackson*, vol. ii., pp. 402-403.

‡ Clinch's report is in *Niles' Register*, vol. xvii., pp. 186-188.



Clinch embarked and, while floating down the river, fell in with a party of negro-hunting Seminoles, who joined him in the expedition against the Fort.\* While on the way a negro had been seen with a white man's scalp in his belt,† and upon his arrival at the Fort, Clinch demanded his surrender, which was refused. Loomis was thereupon ordered to come up the river, and early on the 27th to go within range and open fire. A red-hot ball, thrown into the Fort, fell in the magazine, exploding several tons of gunpowder and killing 270 men, women, and children.‡ This struck terror into the negroes and their strength was entirely broken.|| The Seminoles also seemed to be impressed with the strength and vigor of the Federal power, and for some months all was peace and quiet. §

Meanwhile a swarm of pirates, vagabonds, adventurers, privateersmen, and filibusters had occupied Amelia

Island. Their leader was an erratic Scotchman, Gregor MacGregor, who stated that his purpose was to wrest Florida from Spain and to annex it to the United States. Going to Baltimore he soon succeeded in gathering together a band of filibusters, and on June 29, 1817, the 50 men comprising the expedition landed at Amelia Island, then starting for Fernandina. Upon his arrival before that place on June 29 he demanded and received from Don Francisco de Morales the surrender of the town, together with all the arms and munitions of war.\* The expedition, however, fell into a bad way, the men deserted or fell sick, and finally, in September of 1817, MacGregor went to New Providence in search of money and troops.†

During MacGregor's absence, another filibuster, Lonis Aury by name, came to the Island and took command. This man had gone to Cartagena to aid the cause of liberty, but was expelled by a Spanish fleet and finally reached Galveston Bay, from which place he corresponded with Don Manuel de Herrera, the Mexican representative to the United States, then at New Orleans. Greatly delighted at the arrival of Aury, Herrera went to Texas, and on September 12, 1816, acknowledged and declared Galveston Puerto Habilitado of the Republic of

\* Parton, *Life of Jackson*, vol. ii., pp. 404-405.

† *American State Papers, Foreign Relations*, vol. iv., p. 560.

‡ Frost, *Life of Jackson*, pp. 424-425. See also *Niles' Register*, vol. xi., p. 37; *American State Papers, Foreign Relations*, vol. iv., p. 560; Chadwick, *Relations of the United States and Spain*, pp. 119-120.

|| Schouler, *United States*, vol. iii., pp. 58-59; McMaster, vol. iv., pp. 430-433. See also Overton, *Vindication of the Seminole War* (Washington, 1819). Cf. Samuel Perkins, *Gen. Jackson's Conduct in the Seminole War* (Brooklyn, Conn., 1828), and Joshua R. Giddings, *Exiles of Florida, or the crimes committed by our government against the Maroons, who fled from South Carolina and the other Slave States, seeking protection under Spanish Laws* (Columbus, O. 1858).

§ Fuller, *The Purchase of Florida*, p. 231; Parton, *Life of Jackson*, vol. ii., p. 407.

\* For the terms see *Niles' Register*, vol. xii., pp. 365-366.

† Fuller, *The Purchase of Florida*, pp. 232-234; Parton, *Life of Jackson*, vol. ii., pp. 422-423.

Mexico, with Aury as military governor.\* Thither flocked freebooters, smugglers, refugees from Barataria, negroes, mulattoes, etc.,† until the colony finally became too large, and on April 5, 1817, moved to Matagorda.‡ But Aury did not long remain there and, having heard of the arrival of MacGregor at Amelia Island, again broke up his establishment and with 150 followers set sail for Fernandina. On his arrival there he found MacGregor gone and one R. Hubbard (or Hubbert) installed as governor. Aury was deluged with appeals for aid, but refused unless Hubbard's flag were lowered and the Mexican flag raised instead, and he was appointed to the governorship.|| There was nothing to do but to submit, and on October 4 Amelia Island was declared part of the Republic of Mexico.

In the meantime the United States authorities had become considerably alarmed, and Monroe, acting under the joint resolution of January 15, 1811,§ ordered troops and ships to be

sent to expel the invaders. Accordingly, on December 22, 1817, Major James Bankhead and Captain J. D. Henley, with a division of land and naval forces, expelled Aury,\* and his followers and took possession of the country in the name of the United States, replacing the Mexican flag with that of the United States.†

Against such acts of piracy, invasion, and violations of neutrality Spain had been protesting ever since diplomatic relations had been resumed between her and the United States. When Napoleon invaded Spain a general revolt of the Spanish vicerealties ensued, but with the fall of Napoleon and the Bourbons' restoration to power, these vicerealties had not returned to their allegiance, as had been expected.‡ Consequently, one of the first acts of the new king was to attempt the reduction of Buenos Ayres, Cartagena and Mexico. But in resisting the Spanish forces, the insurgents secured much of their aid — in men, money and supplies — from the United States, ship after ship clearing from the custom houses at New Orleans and Baltimore as merchantmen, which, once upon the high seas, raised the flags of New Granada

\* Fuller, *The Purchase of Florida*, p. 234.

† *American State Papers, Foreign Relations*, vol. iv., p. 134.

‡ *Ibid.*

|| *Ibid.*, vol. iv., p. 138; Fuller, *The Purchase of Florida*, p. 235; *Niles' Register*, vol. xiii., p. 302.

§ "The United States, under the peculiar circumstances of the existing crises, cannot, without serious inquietude, see any part of the said territory pass into the hands of any foreign power, and that a due regard to their own safety compels them to provide, under certain contingencies, for the temporary occupation of said territory," wherefore the President was authorized to do so in cases of necessity, for which purpose \$100,000 was appropriated. See *Niles' Register*, vol. xiii., pp. 315-316.

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\* For the correspondence between Aury and the Americans, see *American State Papers, Foreign Relations*, vol. iv., p. 139 *et seq.*

† *Niles' Register*, vol. xiii., pp. 338 *et seq.*, 346-352; Chadwick, *Relations of the United States and Spain*, pp. 126-127; McMaster, vol. iv., pp. 434-436; Fuller, *The Purchase of Florida*, p. 236; Schouler, *United States*, vol. iii., pp. 30-31.

‡ See *American State Papers, Foreign Relations*, vol. iv., p. 217 *et seq.*

or the United Provinces of Mexico, and robbed and plundered the commerce of Spain. In 1815, therefore, when diplomatic relations were resumed, Spain demanded that such violations of neutrality be stopped.\* In his letter Don Luis de Onís, the Spanish minister, said that ships belonging to Buenos Ayres, Cartagena and the Mexican States had entered American ports and sold goods captured from Spanish ships on the high seas. He asked that this practice be stopped, that the men engaged in the trade be punished, and the ships from revolting provinces be excluded from our ports.† Monroe answered that no Spanish inhabitant could be punished in the United States for offences committed out of it, that the United States could not discriminate against a vessel because of her flag, and that she was not obliged to surrender any inhabitant of Spain or her provinces on the demand of the Spanish government; yet he could refer the complaint to the United States district attorney in Louisiana, so that all the facts might become known. The district attorney denied that any successful attempts had been made to arm and fit out ships in Louisiana, but said that a number of men had been prosecuted and much Spanish property restored since the peace under the act of June

of 1794.\* The district attorney of Baltimore likewise sent similar information.

Therefore, when Congress assembled in December of 1816, Madison sent the two letters to Congress, which referred the matters to the Committee on Foreign Relations. The Secretary of State was requested to inform Congress as to what was necessary to make the law effective, and in reply Monroe said that when the character of a vessel was suspected, bonds should be required, and that when the suspicion was strong enough to constitute a presumption to violate the neutrality of the United States, the vessel should be seized and held. A bill was then drafted by the committee providing fine and imprisonment for all who should fit out or arm a vessel for the purpose of cruising against the subjects of a nation in amity with the United States, or who should sell such a vessel knowing that it was the intention of the purchaser so to use it; that owners of armed vessels should be bonded not to use these vessels against friendly nations; and that collectors of the ports should seize and detain suspicious vessels until the President's pleasure became known or the owners gave bonds that they would not commit a breach of neutrality. This greatly benefited Spain and alarmed the West, but finally the bill was passed by a vote of 94 to 60. The

\* See the letter from Onís, December 30, 1815, in *Niles' Register*, vol. ix., pp. 392-394.

† *American State Papers, Foreign Relations*, vol. iv., pp. 422-423; *Niles' Register*, vol. ix., p. 392 *et seq.*

\* *American State Papers, Foreign Relations*, vol. iv., pp. 104-105; *Niles' Register*, vol. xii., pp. 63-64.



Western States voted solidly against the bill, as Spain by her previous conduct had alienated the friendship of the people in the Mississippi Valley.\*

Thus one source of disagreement between the two nations was removed, but the amicable relations were soon interrupted, for the Seminoles had begun to make trouble and the fiery Jackson had been sent to quell the disturbance. The Seminoles had become sullen and savage because of their failure to recover the lands lost by the treaty of Fort Jackson, and resolved to retake the territory by force. During the spring and summer of 1817 they committed many acts of violence, many women and children being butchered, houses burned, and cattle killed.† At Fowltown, about 15 miles east of Fort Scott, the Indians held a war dance and sent notice to Major Twiggs at the Fort "not to cut another stick of timber on the east side of the Flint River."‡ On being reinforced by troops under Gaines, Twiggs sent a body of 300 troops to bring back the chief and his warriors, and in a few minutes the town was in possession of the Americans.¶ This opened the Seminole War.

\* McMaster, vol. iv., pp. 372-376. For the debate see *Annals of Congress*, 14th Congress, 2d session.

† *American State Papers, Military Affairs*, vol. i., pp. 681-685; *Indian Affairs*, vol. ii., p. 155 *et seq.*

‡ *American State Papers, Military Affairs*, vol. i., p. 685; *Indian Affairs*, vol. ii., p. 159; Fuller, *The Purchase of Florida*, p. 237.

¶ *American State Papers, Military Affairs*, vol. i., p. 686; *Indian Affairs*, vol. ii., p. 160; Sumner, *Life of Jackson*, p. 55; Frost, *Life of Jackson*, p.

The Indians then began to commit various outrages throughout the region, reports of which were duly sent to Washington by Gaines;\* but before Gaines' letters reached Calhoun the latter had sent an order to Gaines directing him to go to Amelia Island and take part in the operations against the filibusters.† The letters passed each other on the way, and, as there was no time to recall them, Gaines was compelled to go to Fernandina and Jackson was sent instead of Gaines.‡ Jackson was empowered to assume command of the forces and to call on the governors of the adjacent States for militia.¶ He was well pleased with being placed at the head of this movement, for, said he: "Let it be signified to me through any channel that the possession of the Floridas would be desirable to the United States and in sixty days it will be accomplished."§ The packet containing this letter was delivered to Monroe and concerning what happened there-

428; Parton. *Life of Jackson*, vol. ii., pp. 428-429; Chadwick, *Relations of the United States and Spain*, p. 127; Niles' *Register*, vol. xiii., p. 319.

\* For which see Niles' *Register*, vol. xv., p. 295 *et seq.*

† *American State Papers, Military Affairs*, vol. i., p. 689; *Indian Affairs*, vol. ii., p. 162.

‡ Niles' *Register*, vol. xv., p. 303; Parton. *Life of Jackson*, vol. ii., p. 432; Schouler, *United States*, vol. iii., p. 61.

¶ *American State Papers, Military Affairs*, vol. i., p. 690; *Indian Affairs*, vol. ii., p. 162.

§ Parton, *Life of Jackson*, vol. ii., pp. 433-434; Sumner, *Life of Jackson*, p. 56. The complete letter will be found in Benton, *Thirty Years' View*, vol. i., pp. 167-180.

after there are two irreconcilable accounts. In a letter to Calhoun, May 19, 1830, Monroe says that he was sick when the packet arrived and that he did not read it, but seeing that it was from Jackson turned it over to Calhoun, who happened to come in; that the Secretary returned it to him with the remark that it required an answer; that the letter was then shown to Crawford, who in like manner read it, though without comment; and that the letter was then entirely forgotten until the country had almost become involved in war. Jackson claims, however, that Monroe read the letter, sent for John Rhea, a member of Congress from Tennessee, asked him to assure Jackson that his suggestion was approved, and that Rhea wrote a letter in this vein to Jackson, which was received before the latter reached Fort Scott.\*

Jackson received the order to go to Fort Scott on January 11 and called upon the governor of Tennessee for militia. In addition, he had the Georgia militia, but all these were not enough for him, and he called upon the officers of the volunteers of the last Creek campaign to meet him

at Nashville.\* They promptly agreed to join the expedition and within less than two weeks more than 1,000 mounted men were ready to march.† With these troops Jackson went to Fort Scott, where he formally assumed command on March 10, shortly afterward entering on his campaign.‡

While Jackson was proceeding by land and the fleet under Isaac McKeever by sea, Alexander Arbuthnot, a Scotchman of education and ability, who had come to Florida in 1817, was gradually drawing near St. Marks. Arbuthnot had been engaged in the Indian trade for some time, and also undertook to keep others from dealing with the Indians, receiving from the Creek chief the power of attorney to act for him in all matters concerning the nation.¶ At the request of the chief, he wrote numerous letters to various officials in England, the United States, and Florida, the substance of which was that the Americans were violating the terms of the treaty of Ghent by failing to restore to the Indians the lands that had been taken by the treaty of Fort Jackson, that the backwoods Georgians were killing and robbing the Indians,

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\* Regarding the controversy see Schouler's article in *Magazine of American History*, vol. xii., pp. 308-322. Schouler concludes that Monroe did not read nor reflect upon Jackson's letter until after Pensacola had fallen. See also Schouler, *United States*, vol. iii., p. 69; Hamilton's ed. of *Monroe's Writings*, vol. vii., pp. 227-234; Gilman, *Life of Monroe*, pp. 41-143; Buell, *History of Andrew Jackson*, vol. ii., pp. 114-115; Fuller, *The Purchase of Florida*, pp. 240-242; Parton, *Life of Jackson*, vol. ii., pp. 434-437.

\* Fuller, *The Purchase of Florida*, p. 244. See his address in Frost, *Life of Jackson*, pp. 434-435; *Niles' Register*, vol. xiv., p. 16. See also his letter to Calhoun in *American State Papers, Military Affairs*, vol. i., p. 696.

† *American State Papers, Military Affairs*, vol. i., p. 696. See also Buell, *History of Andrew Jackson*, vol. ii., pp. 117-118; Parton, *Life of Jackson*, vol. ii., p. 440.

‡ Schouler, *United States*, vol. iii., p. 70.

¶ Fuller, *The Purchase of Florida*, p. 247.

that the British government ought to dispatch an agent to keep home authorities informed of what was being done in Florida, etc.\* In April of 1818, however, Arbuthnot turned his steps towards St. Marks, where he first heard of the approach of Jackson's army and the arrival of the fleet under McKeever. He immediately wrote to his son, then in charge of his schooner which lay in the Suwanee River, just below the town of Billy Bowlegs, directing him to place the goods in some safe spot, if possible, or if not, to rush them aboard the schooner and sail to Cedar Keys Bay.†

Meanwhile Jackson was moving rapidly toward St. Marks,‡ and, after five days' march, met a regiment of Tennesseans and had a sharp encounter with the Indians. These were quickly routed and General Gaines following them, entered Fowltown the next day. After he had secured 3,000 barrels of corn and 1,000 head of cattle marked with the brands of Georgians, the town was set afire and 300 houses were consumed.|| On April 6 the army reached St. Marks

and Jackson demanded admittance to the fort. The Spanish governor replied that he would write for authority to admit the troops, but Jackson was in no mood to brook delay and, hearing that Arbuthnot was in the fort, sent Twiggs forward to seize it.\* On his arrival at the gate, Twiggs found Arbuthnot in the act of mounting his horse and immediately arrested him. The soldiers then entered the fort, pulled down the Spanish flag, hoisted the American colors, and took possession of the barracks.† While Jackson was seizing the fort, McKeever had entered the Bay with the English flag at his masthead, and by this ruse succeeded in enticing aboard his ship the Indian prophet Francis (or Hellis) Hajo and his friend Hemollemico, who sometime before had attacked a party of Americans, killing the majority and torturing the survivors. The next day these two Indians were sent up to the fort, where by Jackson's order they were hanged.‡

Having halted two days at St. Marks, the army, on April 9, resumed its march for Suwanee, the town of Bowlegs. Some fighting was done

\* Parton, *Life of Jackson*, vol. ii., p. 412 *et seq.*

† McMaster, vol. iv., p. 442; Fuller, *The Purchase of Florida*, p. 247. For an English view of the war see *Narrative of a voyage to the Spanish main on the ship "Two Friends," with an Appendix containing a detail of the Seminole War, and the Execution of Arbuthnot and Ambrister* (London, 1819).

‡ For the details of the journey see Parton, *Life of Jackson*, vol. ii., p. 441 *et seq.*

|| *American State Papers, Military Affairs*, vol. i., p. 700; Parton, *Life of Jackson*, vol. ii., pp. 449-450; Niles' *Register*, vol. xiv., p. 168.

\* Buell, *History of Andrew Jackson*, vol. ii., pp. 120-121; Jackson's report of May 5 in *American State Papers, Foreign Relations*, vol. iv., p. 601.

† See Jackson's reports in *American State Papers, Military Affairs*, vol. i., pp. 700-702; Niles' *Register*, vol. xv., p. 311; Parton, *Life of Jackson*, vol. ii., p. 453.

‡ Fuller, *The Purchase of Florida*, p. 248; Parton, *Life of Jackson*, vol. ii., pp. 454-458; Sumner, *Life of Jackson*, p. 58; Buell, *History of Andrew Jackson*, vol. ii., pp. 122-126.



on the march, but on April 18, when he reached the town, Jackson found that it had been abandoned.\* Arbuthnot's letter to his son had been read and thereupon Bowlegs, together with his women and children, disappeared in the swamp.† One of the divisions of the army met a band of about 300 Indians, but these were soon driven over the river.‡ The army then entered the town and spent a day or two in sacking it, after which it was razed to the ground.¶ On the 18th the troops captured Robert C. Ambrister, whose headquarters were on board Arbuthnot's vessel, then lying at the mouth of the Suwanee River, which was then seized.

Because Arbuthnot's letter had given the Indians information of Jackson's movements and thereby enabled them to escape, Arbuthnot and Ambrister (regarded as an accomplice) were turned over for trial to a court-martial, of which General Gaines was president. Arbuthnot was the first to be tried and the charges against him were as follows:

"First, for inciting and stirring up the Creek Indians to war against the United States and her citizens, he being a subject of Great Britain with whom the United States were at peace; second, that he had acted as a spy aiding, abetting, and comforting the enemy, and supplying them with

the means of war; third, that he had incited the Indians to murder and destroy William Hambley and Edmund Doyle, had confiscated their property, and 'caused' their arrest with a view to their condemnation to death, and the seizure of the property, they being citizens of Spain; on account of their active and zealous exertions to maintain peace between Spain, the United States, and the Indians."

The last charge was so absurd that it was withdrawn.\* On the other two charges he was found guilty and sentenced to be hung.† The charges against Ambrister were:

"First, aiding, abetting, and comforting the enemy, and supplying them with the means of war, he being a subject of Great Britain who was at peace with the United States, and late an officer in the British Colonial marines; second, leading and commanding the lower Creek Indians in carrying on war against the United States."

He was found guilty on the above counts and sentenced to be shot, but, after reconsideration, the prisoner was sentenced to 50 lashes and to confinement at hard labor for a year.‡ On April 29 Jackson approved the sentence of the court in the case of Arbuthnot, who was hanged from the yardarm of his own schooner, the *Chance*.¶ In the case of Ambrister, however, Jackson disapproved of the sentence, and or-

\* Fuller, *The Purchase of Florida*, p. 251. Parton (*Life of Jackson*, vol. ii., pp. 463-474) gives a resumé of the trial.

† Frost, *Life of Jackson*, pp. 448-452; Niles' Register, vol. xv., p. 270; Bruce, *The Romance of American Expansion*, pp. 71-73.

‡ Frost, *Life of Jackson*, pp. 452-453.

¶ The documents and evidence given at the trial are in Niles' Register, vol. xv., pp. 270-281; *American State Papers, Foreign Relations*, vol. iv., pp. 580-596; *Military Affairs*, vol. i., pp. 721-735. See also Jackson's report in *Military Affairs*, vol. i., p. 702.

\* Niles' Register, vol. xv., p. 309.

† Sumner, *Life of Jackson*, p. 59; Parton, *Life of Jackson*, vol. ii., p. 460; Schouler, *United States*, vol. iii., p. 71.

‡ Jackson's report in *American State Papers, Foreign Relations*, vol. iv., p. 600; *Military Affairs*, vol. i., p. 701.

¶ Buell, *History of Andrew Jackson*, vol. ii., p. 127; Fuller, *The Purchase of Florida*, p. 249.

dered the first sentence imposed to be carried out. Accordingly, on the same day, Ambrister was shot.\*

Having now restored peace and good order in Florida, having slain about 60 of the enemy, burned 700 huts, shot one Indian trader, hung another and also two Indians, Jackson and his Tennesseans marched back to Fort Gadsen. About this time Jackson learned that an outrageous attack had been made on the friendly Chehaw village while most of the male Indians were serving with him against the Seminoles. Governor William Rabun, of Georgia, learning of some Indian outrages in the vicinity of the Flint River, had sent out a punitive expedition under Captain Obed Wright, who, misled by false information as to its guilt, attacked the Chehaw village on April 23, 1818, set it on fire and cruelly butchered its aged and helpless inhabitants.† Thoroughly aroused, Jackson sent a party to arrest Wright‡ and sternly demanded satisfaction of the State executive, whose warriors were even then fighting the battles of the Union, for his base, cowardly and inhuman attack

“on old men and women.” Jackson asserted that he alone possessed the right to issue military orders and that no State governor should assume to make war on an Indian tribe at peace with the United States. A defiant correspondence ensued between Rabun and Jackson, in which Rabun disavowed the plunder and massacre, but spiritedly refused to surrender a State militia officer for punishment by a Federal general under whom he had not been serving. The dispute was then carried on in the newspapers and took a political turn. The National government was silent, but the Georgia legislature approved Rabun's conduct in all respects.\* Later the United States indemnified the Chehaws to the extent of \$8,000.†

Meanwhile, toward the end of May, Jackson received information that 550 Indians had gathered at Pensacola and were engaged in plundering the surrounding territory, under the direction and with the aid of the Spanish governor.‡ With a small detachment of regulars and militia, he therefore set out for Pensacola, but while on the way received a dispatch from the Spanish governor ordering him to

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\* Sumner, *Life of Jackson*, p. 60; Parton, *Life of Jackson*, vol. ii., pp. 475-485; Buell, *History of Andrew Jackson*, vol. ii., pp. 128-129; Frost, *Life of Jackson*, pp. 453-454. See also Chadwick, *Relations of the United States and Spain*, pp. 129-130.

† Wright's account and those of others say orders were given to spare the women and children. See *Niles' Register*, vol. xiv., pp. 218-229. See, however, the accounts in *ibid*, pp. 235-236, 267, 416, 439-440.

‡ *Ibid*, vol. xiv., p. 292.

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\* *Niles' Register*, vol. xv., p. 266.

† Schouler, *United States*, vol. iii., pp. 73-74. For the correspondence see *Niles' Register*, vol. xiv., p. 268 *et seq.*, and vol. xv., pp. 254-255, *sup.* pp. 36-38; *Annals of Congress*, 15th Congress, 2d session, pp. 2380-2391.

‡ See Jackson's letter of May 5 to the Secretary of War, quoted in Frost, *Life of Jackson*, pp. 456-458. Others say that there were about 300 Indians and 200 vagabond negroes. See Buell, *History of Andrew Jackson*, vol. ii., p. 130.

quit West Florida.\* The Spanish governor little knew Jackson, for his threats of forcible expulsion only tended to urge Jackson on, and on May 21, without the slightest opposition, he entered Fort St. Michael, Pensacola.† Meanwhile the governor had fled to Fort Barrancas, where he attempted to arrest Jackson's further advance. But the latter brought up his artillery, bombarded the fort, and on the 27th was in complete possession of that section of the country.‡ The Spanish civil and military authorities were sent to Havana, Colonel King was appointed civil and military governor, the Spanish revenue laws were abolished, and the officials necessary for governing the province were appointed. Five days afterward Jackson started homeward, leaving General Gaines with some soldiers to hold the place.¶ It is evident that Jackson did not intend to stop even there. On August 7, 1818, he wrote to General Gaines that, in case the Indians had been incited to war and had been supplied with munitions of war by the governor of St. Augustine, he was to "proceed to take and garrison Fort St. Augustine with American troops

and hold the garrison prisoners until you hear from the President of the United States, or transport them to Cuba as you think best."\*

A report of Jackson's proceedings had reached the ears of Don Luis de Onis, and when confirmation was received from the governor of West Florida, he vigorously protested (in notes to Adams, June 17 and July 8, 1818) demanding that St. Marks be delivered to the Spanish commander with all arms and munitions of war taken, that indemnity be paid for the damages done by the army while in Florida, and that the troops be immediately withdrawn.† Hardly had he dispatched this demand when news came of the capture of Pensacola. He immediately wrote to Adams asking the latter to tell him "in a positive, distinct, and explicit manner" just what Jackson had been doing.‡ Before Adams could make reply Onis received better accounts from Florida confirming the first report, once again protested, and demanded the restoration of the captured places, indemnity for all losses, and the punishment of Jackson.¶

Monroe and his advisers were unable to agree on a proper answer, Calhoun being sure that Jackson had

\* *Niles' Register*, vol. xv., p. 319.

† *American State Papers, Military Affairs*, vol. i., p. 708; *Foreign Affairs*, vol. iv., p. 602.

‡ *American State Papers, Military Affairs*, vol. i., p. 708; *Foreign Affairs*, vol. iv., p. 602; Frost, *Life of Jackson*, pp. 458-460; Parton, *Life of Jackson*, vol. ii., pp. 498-501.

¶ The articles of capitulation, Jackson's proclamation and other papers are in *Niles' Register*, vol. xiv., pp. 334-338.

\* *American State Papers, Military Affairs*, vol. i., p. 744.

† *American State Papers, Foreign Relations*, vol. iv., p. 495; *Annals of Congress*, 15th Congress, 2d session, pp. 1818-1822; *Niles' Register*, vol. xv., pp. 330-331.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 495-496.

¶ *Ibid*, vol. iv., pp. 496-497.



disobeyed instructions \* and should be courtmartialled,† while Crawford feared that if Pensacola were not restored immediately and Jackson's acts disavowed, war would follow; that Spanish privateers would completely destroy our commerce, and that the people would not sustain the Administration.‡ Monroe himself thought that Jackson had not only acted without orders, but against those orders which were sent him, and that his acts ought immediately to be disavowed.¶ Adams was the only one who defended the General.§ He argued that the taking of the Spanish forts was an act of self-defence. Calhoun and the other members of the Cabinet, however, considered it an act of war, and that if the act were disavowed, the blame would rest with Jackson, and Spain would have no cause for war.¶ Finally Monroe drafted a note to Onís, which ultimately became the basis for the reply

by Adams.\* In his reply, July 23, 1818, Adams said that by the fifth article of the treaty of 1795, both Spain and the United States were bound to maintain peace along the frontier. Neither nation was to allow the Indians occupying its territory to enter the territory of the other or to molest its subjects or citizens. In spite of this compact, however, Spain had allowed the Seminoles and a band of negroes to plunder and destroy the property of American citizens and to kill numbers of them, and to return in safety to Spanish territory. In 1816 Jackson had requested the governor of Pensacola to break up this horde of savages and slaves, but the governor, while admitting the obligation, expressed his inability to fulfill it. When hostilities broke out in 1817, therefore, the President had given Jackson authority to cross over the line into Florida, if necessary in order to break the Indian power. The seizure of Pensacola and St. Marks by Jackson was merely a step taken to insure his own safety, though it had been made doubly necessary by the open hostility of the governor. Wherefore the United States demanded that all the Spanish officers concerned should be punished, and upon satisfactory evi-

\* Regarding this see also the *Correspondence between Gen. Andrew Jackson and John C. Calhoun on the subject of the course of the latter in the Deliberations of the Cabinet on the Occurrences of the Seminole War* (Washington, 1831).

† Schouler, *United States*, vol. iii., p. 77.

‡ *Memoirs of John Quincy Adams*, vol. iv., pp. 107-109.

¶ Sumner, *Life of Jackson*, p. 64; Chadwick, *Relations of the United States and Spain*, p. 134.

§ Morse, *John Quincy Adams*, pp. 159-162; Buell, *History of Andrew Jackson*, vol. ii., p. 139; Bruce, *The Romance of American Expansion*, p. 74; Quincy, *Memoirs of John Quincy Adams*, p. 85; Parton, *Life of Jackson*, vol. ii., pp. 510-513.

¶ *Memoirs of John Quincy Adams*, vol. iv., p. 107 et seq. See also Fuller, *The Purchase of Florida*, pp. 268-269.

\* In altering Adams' draft of the reply to Onís, Monroe said: "You have gone too far in justifying Jackson's acts in Florida. I think that the public will not entirely justify the general; and the true course for ourselves is to shield and support him as much as possible, but not commit the Administration on points where the public will be against us."

dence that this had been done, Pensacola would be delivered to the proper authorities or agents of Spain, and St. Marks would be given up when a force sufficiently large to withstand an Indian attack had been provided.\*

Meanwhile Onís had sent to Spain an account of the occurrences in Florida, and a few days after Adams had sent his reply to Onís, Don José Pizarro, the Spanish Secretary of State, requested an explanation. Finally, in August, as fuller details of Jackson's acts were received, all intercourse with the United States was severed.† Shortly afterward, however, intercourse was resumed and on November 28, 1818, Adams sent by Erving a reply to Pizarro which is probably one of the finest State papers ever written by him.‡ He narrated the history from the arrival of the British troops in August of 1814 up to the arrival of Arbuthnot, justified Jackson's seizure of St. Marks and the arrest of Arbuthnot, declared that the capture of Pensacola was right and proper for Jackson's self preservation, and then proceeded to silence Pizarro by sending a mass of documentary evidence of the doings of

Nicholls, Woodbine, MacGregor, Arbuthnot and Ambrister, and the horrors of the Indian War. If Pizarro considered Jackson's campaign a shameful invasion, how did he regard the invasion of Nicholls? He set against the seizure of the Spanish forts and places by Jackson, the blowing up of forts by Nicholls, and then asked if his Spanish Majesty had expressed a profound indignation at that, or had suspended negotiations with his Britannic majesty. He concluded by saying that it was the duty of the Nation to protect the lives and property of its citizens, that this duty must be discharged and that, if it ever became necessary to seize Spanish forts and other places in Florida, another unconditional surrender would not be made.\*

While Adams was at work on this answer, the Fifteenth Congress convened in second session, and on December 3, 1818, Monroe communicated to both Houses all the papers relative to the Seminole War.† Both in the House and the Senate Monroe's remarks on the subject were referred to committees, and that of the House presented two reports, the committee

\* *American State Papers, Foreign Relations*, vol. iv., pp. 497-499; *Annals*, pp. 1823-1831; *Niles' Register*, vol. xv., pp. 331-333. See also Fuller, *The Purchase of Florida*, pp. 283-284; Parton, *Life of Jackson*, vol. ii., pp. 513-515.

† *American State Papers, Foreign Relations*, vol. iv., p. 523; Fuller, *The Purchase of Florida*, p. 285; *Annals*, pp. 1884-1887.

‡ Fuller, *The Purchase of Florida*, pp. 286 et seq., 340-358; *Niles' Register*, vol. xv., pp. 368-376.

\* *American State Papers, Foreign Relations*, vol. iv., pp. 539-545; *Annals*, pp. 1924-1941. See also McMaster, vol. iv., pp. 449-451; Bruce, *The Romance of American Expansion*, pp. 75-76; *Memoirs of J. Q. Adams*, vol. iv., pp. 171-173; Chadwick, *Relations of the United States and Spain*, pp. 135-137.

† Richardson, *Messages and Papers*, vol. ii., p. 48; *Annals of Congress*, 15th Congress, 2d session, p. 342. See also his annual message of November 16, 1818, in Richardson, pp. 39-47.

having been divided in opinion regarding Jackson. Thomas M. Nelson, of Virginia, in behalf of four of the committee, denounced Jackson's conduct and condemned the proceedings of the court-martial in the case of Arbuthnot and Ambrister, while Richard M. Johnson for the minority declared that little in Jackson's conduct was open to censure and that Jackson and his officers deserved the thanks of the country.\* The debate of the Committee of the Whole began on January 18 and engaged the House for nearly three weeks, William C. Cobb, of Georgia, opening the debate.† Holmes, of Massachusetts, answered Cobb's speech and defended Jackson and the President,‡ after which Clay spoke. After asserting that his attack on Jackson was not due to unfriendliness to the President because he had not been appointed Secretary of State, Clay began a fierce attack on the Treaty of Fort Jackson, next denounced the ruse by which Francis and Hemollemico were captured and the unceremonious manner in which they were hanged, and then denied that Arbuthnot and Ambrister were pirates. He said that, while he "most cheerfully and entirely ac-

quitted Jackson of any intention to violate the laws of the country or the obligations of humanity," still Jackson had done acts above and beyond the law, had violated his orders, and had usurped the power to make war, which belonged exclusively to Congress. He then warned the people to beware of a military hero, else the civil authority might become subordinate to the military and the safeguards of the Constitution subverted.\*

While Clay's speech had a marked effect upon the House, still Jackson was not without defenders; R. M. Johnson, Alexander Smyth, James Tallmadge, Jr., Philip P. Barbour, George Poindexter and others fell upon Clay and tore his speech to pieces.† He was overwhelmed with instances proving that his assertions regarding Jackson's actions were wrong, and numerous cases were cited where practically the same state of affairs had existed. The speeches were so long that not before February 8 were the votes taken on the resolution censuring Jackson, when Jackson

\* For the report see *American State Papers, Military Affairs*, vol. i., pp. 735-743; *Niles' Register*, vol. xv., pp. 394-400; *Annals*, pp. 515-527. See also Schouler, *United States*, vol. iii., p. 87.

† *Annals*, pp. 583-597; Benton, *Abridgment*, vol. vi., 228-230. For a resumé of his speech see Fuller, *The Purchase of Florida*, pp. 257-259; *Niles' Register*, vol. xv., sup., pp. 111-117.

‡ *Annals*, pp. 600-615; Benton, pp. 230-234; *Niles' Register*, vol. xv., sup., pp. 117-124.

\* *Annals*, pp. 631-655; Benton, pp. 237-247; Moore, *American Eloquence*, vol. ii., pp. 273-286; *Niles' Register*, vol. xv., sup., pp. 124-135; *The South in the Building of the Nation*, vol. ix., pp. 193-225. See also Sargent, *Life of Clay*, pp. 82-83; Schurz, *Life of Clay*, vol. i., pp. 153-157; Clay, *Life of Clay*, pp. 98-101; Parton, *Life of Jackson*, vol. ii., pp. 535-541; Charles H. Peck, *The Jacksonian Epoch*, pp. 5-8.

† For speeches see *Niles' Register*, vol. xv., sup., p. 135 *et seq.*; *Annals*, pp. 655-703, 710-740, 764-780, 936-985; Benton, pp. 247-251, 259-262, 266-270, 303-318; Fuller, *The Purchase of Florida*, pp. 262-263; Parton, *Life of Jackson*, vol. ii., pp. 544-549.



was sustained both by the Committee of the Whole and by the House by large majorities. The execution of Arbuthnot and Ambrister was approved by a vote of 90 to 54; the seizure of Pensacola was approved by a vote of 91 to 65; and the entry of United States troops upon foreign soil was approved by a vote of 112 to 42.\* In the Senate the messages and documents relating to the war had been sent to the committee early in December, but no report was made until February 24. On that day Lacock submitted a report condemning Jackson's conduct in every particular.† The report was ordered to be printed and was then laid on the table, where it remained when Congress adjourned on March 3, 1819.‡

Meanwhile a boundary between the United States and the possessions of Spain on the south was established. In December of 1815, when diplomatic relations with Spain were renewed, the Spanish minister, Onís, demanded that the United States surrender so much of West Florida as she had occupied under the act of

1811.\* On January 19, 1816, Monroe replied that when the United States purchased Louisiana in 1803 that part of Florida was bought, as France had owned it prior to the treaty of 1763, at which time the territory was bounded by the Perdido on the one side, and the Rio Grande on the other. The United States therefore considered her title to the territory within these rivers as well established.† In dissent from this opinion, Onís said that the country from the Mississippi to the Rio Grande had belonged to Spain since the discovery and conquest of Mexico, and had never belonged to any other nation. France had ceded West Florida to England in 1763, but twenty years later the Spanish had reconquered it, and thus it had come under the dominion of his Catholic majesty, who still owned it. He said that when (in 1800) the king of Spain had ceded to France the territory which the latter had given to Spain in 1763, the Spanish king could not and did not give up what had been conquered from England. How then, he asked, could France have sold this territory in

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\* *Annals*, p. 1132 *et seq.*; Buell, *History of Andrew Jackson*, vol. ii., pp. 136-137; Schouler, *United States*, vol. iii., pp. 89-90.

† See the report in *Annals of Congress*, 15th Congress, 2d session pp. 256-268; *Niles' Register*, vol. xvi., pp. 33-39. Jackson's defence is on pp. 50-55, and the documents accompanying the report on pp. 79-93. For the strictures of the *National Intelligencer* on Lacock's report and Lacock's reply, see *Annals*, pp. 2350-2378.

‡ Fuller, *The Purchase of Florida*, p. 264; Schouler, *United States*, vol. iii., pp. 94-95; McMaster, vol. iv., pp. 455-456.

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\* Letter to Monroe, December 30, 1815, *American State Papers, Foreign Relations*, vol. iv., pp. 422-424; *Annals of Congress*, 15th Congress, 2d session, pp. 1629-1633. See also Carpenter, *The American Advance*, p. 84; Fuller, *The Purchase of Florida*, p. 218.

† *American State Papers, Foreign Relations*, vol. iv., pp. 424-426; *Annals*, pp. 1635-1640; Carpenter, p. 85; Fuller, *The Purchase of Florida*, pp. 223-224.

1803? On June 10, 1816, Monroe asked why the treaty did not state that West Florida had not been ceded to France in 1800 and why, on the contrary, the treaty of San Ildefonso had so distinctly declared that the territory of Louisiana was ceded "with the same extent that it now has in the hands of Spain, and that it had when France possessed it." With regard to the country west of the Mississippi, the discoveries, explorations and settlements of the French made it French soil, which it was at the time the United States purchased it.†

For some time the subject was dropped, as Onís had no power to settle the difficulties, but as such authority was given him, early in January of 1817 the discussion was resumed, and Monroe made an offer of that part of Texas lying between the Rio Grande and the Colorado, in exchange for the two Floridas.‡ On January 16, 1817, Onís replied that, as the soil in question already belonged to Spain, it could not constitute a basis for exchange, and he could not consider the entire cession of the two Floridas, as he had no instructions thereon.¶ Negotiations at Washington were then abruptly closed§ and

transferred to Madrid, to be carried on between Pizarro and George W. Erving, the United States minister. On August 17, 1817, after a month of correspondence, Pizarro submitted an outline of a treaty, one of the articles of which provided that if the United States should cede all the territory she owned or claimed west of the Mississippi, from its source to the Gulf of Mexico, Spain in return would cede the Floridas.\* On the 19th this offer was rejected,† and once more the negotiations were transferred to Washington. Meanwhile John Quincy Adams had become Secretary of State, and under him the negotiations were resumed in December of 1817.‡ On January 16, 1818, Adams offered to accept the two Floridas in satisfaction of the American claims against Spain for damages, and suggested that the western boundary be the Colorado, from its mouth to its source, and a line due north to British America.¶ Another long discussion ensued§ which finally (March 23, 1818) terminated when Don Onís requested time to send to Madrid for instructions.¶ Pizarro and Erving

\* *American State Papers, Foreign Relations*, vol. iv., pp. 445-449; *Annals*, pp. 1688-1697.

† *American State Papers, Foreign Relations*, vol. iv., pp. 449-450; *Annals* pp. 1697-1700.

‡ *American State Papers, Foreign Relations*, vol. iv., p. 450 *et seq.*; *Annals*, pp. 1701-1736.

¶ *American State Papers, Foreign Relations*, vol. iv., pp. 463-464; *Niles' Register*, vol. xiv., p. 74; *Annals*, pp. 1737-1739.

§ *American State Papers, Foreign Relations*, vol. iv., p. 468 *et seq.*; *Annals*, p. 1739 *et seq.*

¶ *American State Papers, Foreign Relations*, vol. iv., pp. 480-486; *Annals*, pp. 1780-1798.

\* *American State Papers, Foreign Relations*, vol. iv., pp. 426-429; *Annals*, pp. 1640-1647; Fuller, *The Purchase of Florida*, p. 221.

† *American State Papers, Foreign Relations*, vol. iv., pp. 429-431; *Annals*, pp. 1647-1652.

‡ Fuller, *The Purchase of Florida*, p. 272.

¶ *American State Papers, Foreign Relations*, vol. iv., p. 438; *Annals*, pp. 1668-1670.

§ See the letters in *Annals*, p. 1670 *et seq.*

once more took up the negotiations, continuing them till the end of July, when a messenger was sent to the United States with instructions to Onís.\* On October 24, therefore, Onís informed Adams that he had been instructed to offer as a boundary a line

"beginning at the Gulf of Mexico between the rivers Mermentau and Calcasieu, following the Arroyo Hondo, between the Adaes and Natchitoches, crossing the Rio or Red River at the thirty-second degree of latitude, and ninety-third degrees of longitude from London, according to Melish's map, and thence running directly north, crossing the Arkansas, the White and the Osage rivers, till it strikes the Missouri, and then following the middle of that river to its source."†

On October 31 Adams conceded a little when he abandoned the Rio Grande, and proposed the Sabine from its mouth to the 32d degree, a line due north to the Red River; thence by the channel of that river to its source in the Snow mountains, in latitude 37° 25', then to the summit and along the crest to the 41st degree of latitude, and thence along that line to the Pacific ("South Sea").‡ While Onís was willing to accept the Sabine, he said he had no authority to yield more,|| and thereupon Adams withdrew the offer, declaring that the United States would adhere to its

former demands, the Rio Grande. The negotiations were dropped until January 16, 1819, when Onís received new instructions to offer the old line to the source of the Missouri, with a new one thence to the source of the Columbia, and thence to the sea.\* Each party gradually receded, and finally on February 22, 1819, a treaty was signed,† which, together with all the documents in the case, was immediately sent to the Senate.‡ The treaty was unanimously approved on the 24th and its ratification proclaimed by the President on the 25th.||

Meanwhile a new difficulty arose. Erving wrote from Madrid that the Spanish king had granted three large tracts of territory to three of his courtiers, with the obvious intent of depriving the United States of any benefits that might accrue from the

\* *American State Papers, Foreign Relations*, vol. iv., pp. 615-616; *Annals*, p. 2110; Fuller, *The Purchase of Florida*, pp. 305-306.

† Fuller, *The Purchase of Florida*, pp. 305-307; McMaster, vol. iv., pp. 475-477; E. J. Carpenter, *The American Advance*, pp. 96-97. For the various propositions see *American State Papers, Foreign Relations*, vol. iv., pp. 616-623; *Annals*, pp. 2111-2127.

‡ Richardson, *Messages and Papers*, vol. ii., p. 53.

|| For text see *U. S. Treaties and Conventions*, p. 1016 et seq.; *Annals*, pp. 2129-2135; *American State Papers, Foreign Relations*, vol. iv., pp. 623-625, and vol. v., pp. 127-133; Fuller, *The Purchase of Florida*, pp. 371-380; *Revised Statutes Relating to the District of Columbia* (ed. 1875), pp. 712-717; Snow, *Treaties and Topics in American Diplomacy*, pp. 110-113; *Niles' Register*, vol. xvii., pp. 258-260; Thorpe, *Federal and State Constitutions*, vol. ii., pp. 649-655; MacDonald, *Select Documents*, pp. 213-219.

\* *American State Papers, Foreign Relations*, vol. iv., p. 513 et seq.; *Niles' Register*, vol. xv., p. 377 et seq.; *Annals*, p. 1858 et seq.

† *American State Papers, Foreign Relations*, vol. iv., pp. 526-530; *Annals*, pp. 1890-1902. See also Carpenter, *The American Advance*, pp. 92-95.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 530-531; *Annals*, pp. 1902-1906.

|| *American State Papers, Foreign Relations*, vol. iv., pp. 531-533; *Annals*, p. 1906 et seq.



ownership of the lands.\* This had been noted by Adams, and in October of 1818, when he was discussing the basis for the treaty, he incorporated a provision in one of the articles that such grants of land as were made after 1802 should be null and void. Onís suggested, however, that this should be amended so as to read "since January 24, 1818," this being the day on which Spain's willingness to part with the Floridas was first expressed.† In the end this day was accepted, with the understanding, however, that regardless of the day of the grant by the king to his three courtiers, it should be considered void.‡ This constitutes article viii. of the treaty. That there might be no misunderstanding regarding this, Adams, on March 10, 1819, gave special instructions to John Forsyth, the new minister to Spain, to deliver a written declaration to the above effect when the ratifications of the treaty were exchanged.|| On May 18, 1819, when Forsyth applied for an appointment to exchange ratifications, he was put off for several

weeks on the plea that it was necessary for the king to deliberate; that several explanations were required in connection with the treaty; and that a confidential agent would be sent to Washington for this purpose.\* August 22 was the last day on which the ratifications could be exchanged. On the 21st, therefore, Forsyth gave Spain notice that matters were in exactly the same condition as though no convention had been signed and that the United States was free to enforce and maintain her claims in her own way.† New instructions, however, (dated August 18, 1819) soon afterward reached Forsyth, by which he was allowed to receive the ratification by Spain on two conditions: one, that the treaty be ratified within one week; and the other, that the three land grants be declared null and void.‡ On October 2, 10 and 18, 1819, these conditions were explicitly stated,|| but nothing was heard from the Spanish ministry until November 12, 1819, when Forsyth received a note saying that the demands could

\* *American State Papers, Foreign Relations*, vol. iv., pp. 509-511; Fuller, *The Purchase of Florida*, p. 309. The text of the grants will be found also in *Niles' Register*, vol. xx., pp. 42-44.

† Chadwick, *Relations of the United States and Spain*, p. 139.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 651-652. See also the documents in *Niles' Register*, vol. xvii., p. 245 *et seq.*

|| *American State Papers, Foreign Relations*, vol. iv., p. 652; *Niles' Register*, vol. xvii., p. 266. See also Angell, *Diplomacy of the United States*, in Winsor, *Narrative and Critical History*, vol. vii., pp. 499-500.

\* *American State Papers, Foreign Relations*, vol. iv., pp. 654-656; *Niles' Register*, vol. xvii., p. 272 *et seq.*

† *American State Papers, Foreign Relations*, vol. iv., p. 661; *Annals of Congress*, p. 1363; Fuller, *The Purchase of Florida*, p. 310.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 657-660; Fuller, *The Purchase of Florida*, pp. 311-312; *Annals of Congress*, pp. 1353-1361.

|| *American State Papers, Foreign Relations*, vol. iv., pp. 662-663, 665-666, 668-671; *Niles' Register*, vol. xvii., pp. 276-278.

not possibly be laid before the king.\* Eight days later Forsyth wrote a note to the ministry, insisting that the king receive these demands,† and a week after that wrote to Adams that he would leave Madrid if they were not received. Before this could come to pass, however, the Spanish ministry appointed a commissioner to the United States, whereupon all discussion of the matter ended at Madrid.‡

The Spanish commissioner, Mariscal-del-Campo Don Francisco Dionisio Vives, did not arrive in the United States until April 12, 1820, and on the 14th addressed a note to Adams, saying that the ratification of the treaty had been delayed because the United States had permitted pirates to fit out their vessels in American ports for operation against Spain and her possessions, and that there was a marked spirit of hostility against everything Spanish. The Spanish king must be given assurances that these things would be stopped, and that the United States would not recognize the independence of the South American insurgents.|| On May 3, 1820, Vives was informed by Adams that the United States had remained impartially neutral in all disputes, had restored all Spanish property

which had been illegally taken, and had done everything possible to prevent piratical expeditions from her shores, but that she would not commit herself to any definite line of conduct in connection with the South American revolutionists.\* The Spanish commissioner seemed satisfied with the reply to the Spanish demands, with the exception of that regarding the revolted provinces. On May 5, therefore, he requested Adams to wait until new instructions could be received from Spain regarding this,† but Adams replied on May 8 that the correspondence would at once be laid before Congress to ascertain whether any further delay would be permitted.‡ Accordingly, on May 9, President Monroe sent a message to Congress in which after reviewing the various phases of the case he submitted it "to the wisdom of Congress whether it will not still be advisable to postpone any decision on this subject until the next session."||

Neither house took action, for adjournment was but a week distant,

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\* *American State Papers, Foreign Relations*, vol. iv., pp. 683-684; Fuller, *The Purchase of Florida*, pp. 315-316; *Niles' Register*, vol. xviii., pp. 215-217.

† *American State Papers, Foreign Relations*, vol. iv., pp. 684-685; *Niles' Register*, vol. xviii., p. 217.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 685-688; *Niles' Register*, vol. xviii., pp. 218-221; *Annals*, pp. 1424-1432.

|| Richardson, *Messages and Papers*, vol. ii., pp. 71-72; *Niles' Register*, vol. xviii., pp. 191-192; *Annals of Congress*, 16th Congress, 1st session, pp. 2216-2218, 2d session, pp. 1402-1404.

\* *American State Papers, Foreign Relations*, vol. iv., pp. 671-672; *Annals*, pp. 1390-1391.

† *American State Papers, Foreign Relations*, vol. iv., pp. 671-673; *Annals*, pp. 1391-1395.

‡ Schouler, *United States*, vol. iii., pp. 132-133.

|| *American State Papers, Foreign Relations*, vol. iv., pp. 680-681. See also Carpenter, *The American Advance*, p. 104; *Niles' Register*, vol. xviii., p. 213.

and the matter therefore went over to the next session, though in the House much was said about the treaty and an attempt was made to arouse vigorous action.\* On April 3 as the House seemed disposed to take no action on the matter, Clay vigorously attacked the treaty, submitting two resolutions, the first of which declared that as Congress had the power to dispose of territory belonging to the United States, no treaty purporting to alienate any part of it was valid unless approved by Congress; while the second declared that the equivalent offered by Spain for the United States territory west of the Sabine was inadequate, and it would therefore be inexpedient to renew the treaty.† In regard to the first, Clay said that, as Congress had the power to dispose of territory belonging to the United States, it would necessarily follow that no treaty which undertook to dispose of a large piece of this territory could be valid unless the House and Senate assented. He did not contend that a treaty may fix the limits of the territory of the United States without the intervention of the House, but he said in this case an arbitrary boundary had been set with a large cession of territory to Spain, and that such a cession could not be made without the consent of the House. In regard to the second

resolution, Clay said that the equivalent offered by Spain was inadequate, for Florida was loaded and encumbered with land grants which left scarcely a foot of soil for the United States. In return for this we were to give Texas, free and unencumbered, pay \$5,000,000 and surrender all our claims on Spain for damages not included in that sum.\* In answer to Clay, it was stated that Texas had always been disputed territory; that our claim had never been clear and unquestionable; that it had been given up for that reason; and that his construction of the treaty-making power would prevent the settling of questions of limits for all time without the consent of the House, because such questions invariably involved the cession of territory by one party and generally by both.† Clay's resolution failed to pass, and for some time the matter was dropped. The summer of 1820 was therefore spent by the American minister, Mr. Forsyth, in endeavoring to secure the ratification of the treaty by Spain, before Congress should meet again.‡ In this he was successful; on October 5, 1820, the Cortes annulled the land grants ||

\* Clay's speech will be found in *Annals of Congress*, 16th Congress, 1st session, pp. 1719-1731; and in his *Life and Writings* (ed. 1844), vol. i., pp. 392-404.

† *Annals*, pp. 1745-1782; Fuller, *The Purchase of Florida*, p. 320.

‡ See the correspondence in *American State Papers, Foreign Relations*, vol. iv., p. 690 *et seq.*, and vol. v., p. 268 *et seq.*; *Annals of Congress*, 16th Congress, 2d session, p. 1436 *et seq.*

|| *American State Papers, Foreign Relations*, vol. v., pp. 272-274; *Annals*, pp. 1452-1453.

\* Fuller, *The Purchase of Florida*, pp. 318-319. See also Schouler, *United States*, vol. iii., pp. 176-177.

† Schurz, *Life of Clay*, vol. i., pp. 163-165; Carpenter, *The American Advance*, p. 106.



and advised the king to ratify the treaty, which was done on October 24.\* The treaty was again sent to the Senate on February 13, 1821,† and for a second time ratified on February 19, 1821.‡ On March 3, 1821, a bill was passed authorizing the President to take possession of East and West Florida in accordance with the treaty and to establish a government therein.|| Seven days later Andrew Jackson was appointed governor of the newly acquired territory.

Monroe had been led to appoint Jackson for several reasons: because he was extremely popular on account of his victory at New Orleans; because he wished to make amends for the attack upon Jackson in the House of Representatives two years previously; and because under a recent act of Congress (March 2, 1821) Jackson was about to be turned out of military service. This act provided that after June 1, 1821, there should be but one

major-general, and as Jackson was the youngest in the service, he was the one to go.\* Hence, taking all these things into consideration, Monroe sent Jackson to Florida to receive the territory from the Spaniards.† He was vested "with all the powers and authorities hitherto exercised by the Governor and Captain General attendant on Cuba and by the Governors of East and West Florida."‡ Elijus Fromentin was appointed chief justice of the Territory. Jackson promptly accepted the office and James S. Forbes was sent ahead to carry the order of the king of Spain to the captain-general of Cuba for the delivery of the province, and to bring back the necessary orders from the captain-general for the surrender of Florida to the American commissioner.|| About the middle of June Jackson arrived in Florida, and on July 18 at Pensacola took formal possession in the name of the United States.§

He fixed his headquarters at Pensacola, issued proclamations and or-

\* Carpenter, *The American Advance*, p. 108; Fuller, p. 321. The royal order is in *American State Papers, Foreign Relations*, vol. iv., pp. 702-703; vol. v., p. 281; *Niles' Register*, vol. xx., p. 41.

† Richardson, *Messages and Papers*, vol. ii., pp. 83-84.

‡ McMaster, vol. iv., pp. 481-483; Morse, *John Quincy Adams*, p. 125. See also Lyman, *Diplomacy of the United States*, vol. ii., chap. v.; Donaldson, *Public Domain*, pp. 108-120; *House Misc. Doc.*, 47th Congress, 2d session, vol. xix.; Winsor, *Narrative and Critical History*, vol. vii., pp. 543-546; Wharton, *Digest of International Law* (ed. 1877), vol. ii., pp. 277-287; Benton, *Thirty Years' View*, vol. i., chap. vi., and vol. ii., chaps. xlii. and clv.; Chadwick, *Relations of the United States and Spain*, pp. 146-147.

|| For text see Thorpe, *Federal and State Constitutions*, vol. ii., pp. 656-657; *Niles' Register*, vol. xx., pp. 44-45.

\* See Sumner, *Life of Jackson*, p. 68; Schouler, *United States*, vol. iii., p. 241.

† Parton, *Life of Jackson*, vol. ii., pp. 589-590.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 750-752; Buell, *History of Andrew Jackson*, vol. ii., p. 147; *Annals of Congress*, 17th Congress, 1st session, p. 1919 *et seq.*

|| See the various documents relating to this in *Annals of Congress*, 17th Congress, 1st session, p. 1897 *et seq.*

§ See his proclamation in *American State Papers, Foreign Relations*, vol. iv., pp. 764-765. See also Parton, *Life of Jackson*, vol. ii., pp. 599-606; Carpenter, *The American Advance*, p. 110; *Niles' Register*, vol. xx., pp. 404-405.

dinances for the government, but speedily discovered that the Spanish authorities were very reluctant to retire from their position and were determined to embarrass him in every way. Monett says:

"Apprehending a removal of the evasions and artifices practiced by the Spanish authorities relative to the surrender of the Natchez district in 1798, and relative to the factitious land titles of Louisiana, Governor Jackson determined by prompt measures to suppress any such attempt. Having been informed that the ex-governor José Callava was about to transmit to Havana certain documents and archives pertaining to land titles in violation of the second article of the treaty of cession, he made a peremptory demand for their surrender as the property of the United States. The ex-governor refusing to obey the demand, Governor Jackson issued an order for his arrest and confinement in the calaboose, and the documents were seized and taken from his house where they had been boxed up for shipment. The ex-governor was then released."\*

In the meantime Callava had obtained from Judge Fromentin a writ of *habeas corpus* for his release, but Jackson disregarded this writ and, deeming it a contempt, summoned the judge before him to answer for his conduct in the matter.† Fromentin, under a plea of indisposition, failed to appear, but presently went, as he said, to give a friendly explanation. As may be surmised, the interview was a stormy one and, after each had lost his temper, they took up the matter, bitterly assailing one another's

characters.\* After much altercation between the governor and the judge, the subject was dropped between them, to be taken up in the newspapers,† until finally the *Richmond Enquirer* remarked: "Our newly acquired territory of Florida is productive — of documents."‡ General Jackson's summary proceedings had touched the Castilian pride to the quick, and a remonstrance was published in the Pensacola paper against Jackson's acts with regard to Callava. Deeming this an unwarranted interference with his authority, Jackson ordered the men responsible for the publication immediately to depart from the country on pain of imprisonment.¶ Accordingly, with but little time allowed them for settling their affairs and disposing of their property, twelve persons were compelled to sail for Havana. A similar controversy occurred with the governor of East Florida in connection with the archives of that province, and in October it was settled in the same summary manner. The papers were seized and secured and the Spaniards had no alternative but to submit.§

Thus a third time Jackson had indiscreetly embroiled the Government

\* Schouler, *United States*, vol. iii., p. 243.

† See Parton, *Life of Jackson*, vol. ii., p. 634 *et seq.*

‡ Schouler, *United States*, vol. iii., p. 243.

¶ For the proclamation see *Niles' Register*, vol. xxi., p. 136. See also pp. 171-173.

§ *American State Papers, Foreign Relations*, vol. iv., p. 79 *et seq.* On the entire affair see also the papers in *Annals of Congress*, 17th Congress, 1st session, pp. 2296-2370.

\* See the letters regarding this in *American State Papers, Foreign Relations*, vol. iv., p. 767 *et seq.*; *Miscellaneous*, vol. ii., pp. 799-913; Parton, *Life of Jackson*, vol. ii., pp. 614-633; *Niles' Register*, vol. xxi., pp. 73-75, 86-89, 149-154; *Annals of Congress*, 17th Congress, 1st session, p. 1952 *et seq.*

† Sumner, *Life of Jackson*, p. 70.

when courtesy and patience would probably have smoothed over all difficulties. Monroe blamed himself for appointing the quarrelsome general to an office with such ill-defined powers. For several days the Cabinet discussed the situation and were so perplexed and divided over the law and justice of the matter, as well as over the political phases of the dispute, that no conclusion was reached. The newspapers indulged in much inflammatory talk, while Adams seemed to be the only prominent person to defend Jackson. However, when word arrived that Callava had been imprisoned for only a day and that Jack-

son's banishment of the others had resulted in no serious disturbance, Monroe's course was much easier; and, to lessen the perplexity, Jackson returned to Nashville and tendered his resignation, which was accepted toward the close of the year.\* In his annual message of December 3, 1821, Monroe mildly reviewed the situation in Florida, recommending that a well-organized territorial government be established there† and as the population had increased to 5,000 males, Florida, by an act approved March 30, 1822,‡ was organized into a Territory of the first grade.

## CHAPTER XXX.

1815-1825.

### FOREIGN AFFAIRS: RELATIONS WITH GREAT BRITAIN.

American fishery rights under the treaty of 1783 — Failure of the commissioners at Ghent to adjust the dispute — Captures of American fishermen — Adam's letter and Bathurst's reply — Further seizures of American vessels — Negotiation of the Convention of 1818 — Dispute over the northern boundary — Settlement of Astoria by the fur traders — The boundary compromise — The Russian edict — Adams' instructions to Middleton — The treaty with Russia — Discussion of the occupation of Oregon — Benton's speech — Rejection of the bill.

While Jackson was conducting his campaign against the Seminoles, an important treaty was under way with Great Britain. Though it was feared that his conduct would delay and possibly even prevent the ratification of this treaty, no such evil consequences followed, and it was soon brought to a satisfactory conclusion. The treaty grew out of the dispute as to the right of Americans to share in the North-eastern fisheries, the main difficulty being the interpretation of the third

article of the definitive treaty of peace of 1783. As defined by Article III. of the treaty of 1783, these rights were as follows:

"That the people of the United States shall continue to enjoy, unmolested, the right to take fish of every kind on the Grand Bank, and on all

\* Schouler, *United States*, vol. iii., pp. 244-245.

† Richardson, *Messages and Papers*, vol. ii., pp. 104-105.

‡ For text see Thorpe, *Federal and State Constitutions*, vol. ii., pp. 657-662. For debate in Congress see *Annals of Congress*, 17th Congress, 1st session, pp. 182, 194, 226, 238, 275, 277, and for text, pp. 2578-2584.



the other banks of Newfoundland; also in the Gulf of St. Lawrence, and at all other places in the sea where the inhabitants of both countries used, at any time heretofore, to fish; and also, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coasts of Newfoundland as British fishermen shall choose, but not to dry or cure the same on that island; and also on the coasts, bays and creeks, and all other of His Britannic Majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen Islands and Labrador, as long as the same shall remain unsettled; but as soon as the same, or either of them, shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose, with the inhabitants, proprietors, or possessors of the ground.\*\*

For some time after the signing of the treaty, the fisheries were prostrate, though they did give employment to 540 ships and 3,300 seamen.† But by 1789 the business had so declined that Congress endeavored to revive the industry by granting a bounty on dried and pickled fish, and by making an annual allowance for each ton of the ship. At the beginning of the Nineteenth century, the British fishermen began to complain that the Yankees were ruining them, but as they were unable to secure aid from the mother country, they took matters into their own hands, stopping and searching vessels going to and returning from the Grand Banks, forcing them to pay toll as they passed through the Gut of Canso, and compelling them to pay light money and

anchorage if they came to anchor in any bay. The American fishermen thereupon complained to Congress. The long Embargo relieved the British fishermen of this hated competition, but though the relief was only temporary, the British fishermen were greatly in favor of it, and when the War of 1812 began they besought the mother country never again to grant such liberties to Americans.\* When the negotiations for peace were opened in 1815, the New England States clamored for "no peace without the fisheries."† The conduct of New England during the war had made her no friends, as is witnessed by the letters of a number of the statesmen of the time. Writing to Wilson C. Nicholas, November 25, 1814, President Madison said:

"You were not mistaken in viewing the conduct of the Eastern States as the source of our greatest difficulties in carrying on the war; as it certainly is the greatest, if not the sole inducement with the enemy to persevere in it. The greater part of the people in that quarter have been brought by their leaders, aided by their priests, under a delusion scarcely exceeded by that recorded in the period of witchcraft; and the leaders themselves are becoming more desperate in the use they make of it. Their object is power. If they could obtain it by menaces, their efforts would stop there. This failing, they are ready to go to every length for which they can train their followers. Without foreign co-operation, revolt and separation will hardly be risked; and what the effect of so profligate an experiment would be, first, on misguided partizans, and next on those remaining faithful to the nation, who are re-

\* Henderson, *American Diplomatic Questions*, pp. 488-489.

† For a view of the negotiations regarding fishery rights, see Henderson, *American Diplomatic Questions*, p. 492 *et seq.* See also chap. xxv, *ante*.

\* Schuyler, *American Diplomacy*, pp. 404-405; Henderson, *American Diplomatic Questions*, p. 485.

† McMaster, vol. iv., p. 459.

sponsible for their consistency, and even for their numbers, is for conjecture only. The best may be hoped, but the worst ought to be kept in view."\*

Hence when it became known that the English commissioners had refused to consider peace unless the fisheries were surrendered, the sentiment in the Middle and Southern States was, as a newspaper expressed it, that "peace was better than cod-fish." Unfortunately, while conducting the negotiations for peace, the American commissioners fell into a dispute among themselves over Adams' disposition to allow the British the right to navigate the Mississippi in return for the right to fish on the banks. Clay declared that he would never sign a treaty allowing the British the right to navigate the Mississippi, and as neither would give in, both topics were omitted from the treaty. This the colonists construed as being an abrogation of all fishing rights, for they declared that the war had abrogated the treaty of 1783, and that therefore the right to fish in British waters granted under that treaty was ended when the war began.

Acting under this theory, the British warships began to capture American fishing vessels, and in July of 1815 news reached Boston that the British sloop of war *Jaseur* had taken eight American vessels caught fishing on the western coast of Nova Scotia.

They were detained for 48 hours, but were released after having been forbidden to fish within three miles of the western coast. About the same time another vessel entered the port of Barnstable, and reported that when 45 miles from Cape Sable she had been boarded by an officer of the *Jaseur* and that across her enrolment and license were written the words "warned off the coast by His Majesty's Sloop *Jaseur*. Not to come within 60 miles."\* On being apprised of this action, Monroe, on July 18, 1815, demanded an explanation of Sir Anthony St. J. Baker, the British chargé. The latter informed Monroe that the action of the British captain had not been authorized by the British government,† but this did not alter the situation so far as the fishermen were concerned, for the action of the British ship had made a complete failure of the summer's work. On July 21, 1815, Monroe sent a note to John Quincy Adams, minister at the Court of St. James, reciting the facts, defining the position of the United States, declaring that the Americans still possessed the fishing rights acknowledged by the treaty of 1783, and instructing Adams to take the matter up with the British authorities.‡ On securing an interview with Lord Bathurst, Adams was informed that the act of the *Jaseur's* captain had been disavowed, and that

\* Madison's *Works* (Congress, ed.), vol. ii., pp. 593-594.

\* *American State Papers, Foreign Relations*, vol. iv., p. 348.

† *Ibid*, pp. 348-349.

‡ *Ibid*, p. 349; *Annals of Congress*, 15th Congress, 2d session, p. 1447.

during 1815 no American fisherman would be deprived of the rights enjoyed under the treaty of 1783; but that after 1815 American fishermen would be excluded from fishing within one marine league of the shores of the British possessions in North America, and from drying and curing fish in the unsettled parts of those territories and from such parts as had become settled since 1783. He said that Great Britain did not intend to molest American fishermen, so long as they remained without her jurisdiction of one marine league. Adams then expressed the hope that nothing definite would be decided upon until he could present the view of the United States regarding the fisheries.\* On being assured that such a document would receive careful consideration, Adams submitted it on September 25, 1815.†

Adams opened his argument by stating that from the very time that the English colonies were planted in America until their separation from the mother country in 1776, all subjects of the empire had enjoyed the liberties of catching, drying and curing fish in common; that the Americans had been the original discoverers and improvers of the fisheries, had used the grounds more than any other subjects of the empire, and had borne more than their full share of the burdens of expelling the

French from those coasts where the fisheries were situated. Adams then continued thus:

"It was doubtless upon considerations such as these that in the treaty \* \* \* of 1783 an express stipulation was inserted, recognizing the rights and liberties which had always been enjoyed by the people of the United States in these fisheries, and declaring that they should continue to enjoy the right of fishing on the Grand Bank and other places of common jurisdiction, and have the liberty of fishing and of drying and curing their fish within the exclusive British jurisdiction on the North American coasts, to which they had been accustomed while themselves formed a part of the British nation. This stipulation was a part of that treaty by which His Majesty acknowledged the United States as free, sovereign and independent States and that he treated with them as such.

"The fishing rights were in no respect grants from the King of Great Britain to the United States; but the acknowledgment of them as rights and liberties enjoyed before the separation of the two countries, and which it was mutually agreed should continue to be enjoyed under the new relations which were to subsist between them, constituted the essence of the article concerning the fisheries. The very peculiarity of the stipulation is an evidence that it was not, on either side, understood or intended as a grant from one sovereign to another. Had it been so understood, neither could the United States have claimed, nor would Great Britain have granted, gratuitously, any such concession. There was nothing, either in the state of things, or in the disposition of the parties, which could have led to such a stipulation, as on the ground of a grant, without an equivalent by Great Britain.

"If the stipulation of the treaty of 1783 was one of the conditions by which His Majesty acknowledged the sovereignty and independence of the United States; if it was the mere recognition of rights and liberties previously existing and enjoyed, it was neither a privilege gratuitously granted nor liable to be forfeited by the mere existence of a subsequent war. If it was not forfeited by the war, neither could it be impaired by the declaration of Great Britain, that she did not intend to renew the grant. Where there had been no gratuitous concession, there could be none to renew; the rights and liberties of the United States could not be cancelled by the declaration of Great Britain's intentions. Nothing could

\* Adams to Monroe, September 19, 1815, *American State Papers, Foreign Relations*, vol. iv., p. 350.

† McMaster, vol. iv., pp. 461-462.



abrogate them but the renunciation of them by the United States themselves.

"Among the articles of that same treaty of 1783, there is one stipulating that the subjects and citizens of both nations shall enjoy, forever, the right of navigating the Mississippi, from its sources to the ocean. And although, at the period of the negotiations of Ghent, Great Britain possessed no territory upon that river, yet the British plenipotentiaries, on their first vote considered Great Britain as still entitled to claim the free navigation of it, without offering for it any equivalent. And, afterwards, when offering a boundary line, which would have abandoned every pretension even to any future possession on that river, they still claimed, not only its free navigation, but a right of access to it from the British dominions in North America, through the territories of the United States. The American plenipotentiaries, to foreclose the danger of any subsequent misunderstanding and discussion upon either of these points, proposed an article recognizing anew the liberties on both sides. In declining to accept it, the British plenipotentiaries proposed an article engaging to negotiate, in future, for the renewal of both, for equivalents to be mutually granted. This was refused by the American plenipotentiaries, on the avowed principle that its acceptance would imply the admission on the part of the United States that their liberties in the fisheries, recognized by the treaty of 1783, had been annulled, which they declared themselves in no manner authorized to concede.

"Let it be supposed, my lord, that the notices given by the British plenipotentiaries, in relation to the fisheries had been in reference to another article of the treaty; that Great Britain had declared she did not intend to grant again, gratuitously, the grant in a former treaty of peace, acknowledging the United States as free, sovereign and independent States; or, that she did not intend to grant, gratuitously, the same boundary line, which she had granted in the former treaty of peace: is it not obvious that the answer would have been that the United States needed no new acknowledgment of their independence, nor any new grant of a boundary line?—that if their independence was to be forfeited, or their boundary line curtailed, it could only be by their own acts of renunciation, or of cession, and not by the declaration of the intentions of another Government? And, if this reasoning be just with regard to the other articles of the treaty of 1783, upon what principle can Great Britain select one article, or a part of one

article, and say, this particular stipulation is liable to forfeiture by war, or by the declaration of her will, while she admits the rest of the treaty to be permanent and irrevocable? In the negotiation of Ghent, Great Britain did propose several variations of the boundary line, but she never intimated that she considered the line of the treaty of 1783 as forfeited by the war, or that its variation could be effected by the mere declaration of her intentions. She perfectly understood that no alteration of that line could be effected but by the express assent of the United States; and, when she finally determined to abide by the same line, neither the British nor the American plenipotentiaries conceived that any new confirmation of it was necessary. The treaty of Ghent in every one of its essential articles, refers to that of 1783 as being still in full force. The object of all its articles, relative to the boundary, is to ascertain with more precision, and to carry into effect, the provisions of that prior compact. The treaty of 1783 is, by a tacit understanding between the parties, and without any positive stipulation, constantly referred to as the fundamental law of the relations between the two nations. Upon what ground, then, can Great Britain assume that one particular stipulation in that treaty is no longer binding upon her?"\*

In his reply on October 30, 1815, Bathurst denied the righteousness of Adams' contention, since the treaty had been abrogated by the war. He said also that while she had the *right* to catch fish on the Newfoundland Banks, the United States had only the *liberty* to cure and dry fish in certain unsettled places within the British territory. Throughout the treaty the word "right" was used as applicable to what the United States might enjoy by virtue of recognized independence, but the word "liberty" was applied to what they were to enjoy as *concessions*, as

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\* *American State Papers, Foreign Relations*, vol. iv., pp. 352-354; *Annals of Congress*, 15th Congress, 1st session, pp. 1454-1459.

grants arising from the treaty itself. Nevertheless Great Britain was willing to negotiate for a modification of these rights.\*

Mr. Adams was prevented by a long illness from answering this note before January 22, 1816,† by which time Lord Castlereagh had resumed his duties as Secretary of State for Foreign Affairs. Castlereagh assured Adams that Great Britain was willing to treat, and as Adams had not been given power to enter into negotiations, full power was sent to Charles Bagot, the new British minister at Washington. In opening the negotiations, Bagot offered the American fishermen the liberty to dry and cure fish on the unsettled parts of the coast of Labrador, from Mt. Joli eastward to the bay and isles of Esquimaux, near the western entrance of the straits of Belle Isle, but he insisted that the American fishermen should abandon their claims to fish or cure fish within the maritime limits of any other of the coasts of British North America. Ascertaining from the Marblehead and Salem fishermen that it would be more advantageous to have no eastern limit, but to extend the liberty through the straits and indefinitely along the coast of Labrador, Monroe suggested a modification which Bagot refused to consider. On November 27, 1816, the latter pro-

posed the south coast of Newfoundland, from Cape Ray eastward to the Rameau Islands, or longitude 57° west from Greenwich.\* The fishermen declared that the Newfoundland coast was as little used as the Labrador coast. Monroe, therefore, on December 30, 1816, rejected the alternative.† The next day Bagot offered both coasts,‡ but on January 7 Monroe declined the offer on the ground that neither of these coasts was used by American fishermen.||

Meanwhile British war vessels were continuing to capture the American fishermen. During the summer of 1816 a British warship captured several while fishing three leagues from land, but after a detention of four days they were released. The American fishermen were not disposed to abandon the struggle for rights on the banks, and on the opening of the fishing season of 1817, a fleet of 20 vessels sailed to the western banks, only a few of which, however, arrived there in safety, the others having been overtaken by storm and driven ashore. The British commander of the North American station, Sir David Milne, now sent the *Dee* under Captain Samuel Chambers, to cruise between Sambro Light and Cape Sable, directing him to "use every means in [his] power for the protection of the

\* *American State Papers, Foreign Relations*, vol. iv., pp. 354-356; *Annals*, pp. 1460-1465.

† *American State Papers, Foreign Relations*, vol. iv., pp. 356-359; *Annals*, pp. 1466-1475.

\* *Annals*, pp. 1486-1488.

† *Annals*, p. 1489.

‡ *Annals*, pp. 1489-1490.

|| *Annals*, p. 1491.

revenues as also the fisheries on the coast against the encroachment of foreigners. On your meeting with any foreign vessel, fishing or at anchor in any of the harbors or creeks in His Majesty's North American provinces, or within our maritime jurisdiction, you will seize and send such vessel so trespassing to Halifax for adjudication, unless it should clearly appear that they have been obliged to put in there in consequence of distress."\* Shortly after setting out, Captain Chambers captured nine American vessels in Ragged Island harbor, where they were found at anchor with their nets set.† These vessels were sent to Halifax. At Cape Negro, nine more were seized and taken to Halifax,‡ where, after a long delay, they were brought to trial. The judge assented to the argument of the advocate general that the war had abrogated the fishing liberties granted to the Americans by the treaty of 1783, but he refused to condemn the ships, because Great Britain had made public no specific prohibition since the treaty of Ghent, and because none of the men on trial had been taken in the act of fishing or

trading with the inhabitants. He then ordered the vessels restored to their owners when the costs had been paid.\*

Adams had now returned to enter the office of Secretary of State, and Richard Rush was appointed his successor at the Court of St. James. On November 6, 1817, Rush was instructed to conclude a commercial treaty to supersede the commercial convention of July of 1815,† but hardly had he arrived in London before England refused to open her colonial trade to American merchants, which action instigated the Plaster of Paris Act, the Navigation Act, and a change in his instructions. On May 22, 1818, he was directed to conclude a commercial treaty, to offer a continuation of the convention of 1815, and to request that the old grievances should be adjusted.‡ If the British government were willing to negotiate, Gallatin, then minister to France, was to join Rush immediately. Upon receiving a favorable reply from the British government,|| Gallatin joined Rush, and on August 27 met the British commissioners appointed to confer with them — Frederick John Robinson, and Henry Goulburn.§ The conference termi-

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\* *American State Papers, Foreign Relations*, vol. iv., pp. 369-370; *Annals*, p. 1499; *Niles' Register*, vol. viii., p. 384; Elliott, *Northeastern Fisheries*, p. 58.

† Chambers to Milne, June 8, 1817, *American State Papers, Foreign Relations*, vol. iv., p. 370; *Annals*, p. 1500. See, however, Rush's letter to Bagot, *American State Papers, Foreign Relations*, vol. iv., p. 369.

‡ *American State Papers, Foreign Relations*, vol. iv., p. 370.

\* McMaster, vol. iv., pp. 466-467.

† *Annals*, pp. 1500-1501.

‡ Adams to Rush, May 22, 1818, *American State Papers, Foreign Relations*, vol. iv., pp. 371-372; *Annals*, pp. 1503-1505.

|| *Annals*, pp. 1511-1514.

§ *American State Papers, Foreign Relations*, vol. iv., pp. 374-375.



nated on October 20, when the convention of 1818 was signed.\* The American representatives had been given power to abandon the claim of Americans to the right to take, cure, and dry fish within the British jurisdiction generally, but they were to insist that such liberties be granted American fishermen along the southern coast of Newfoundland, from the Rameau Islands to Cape Ray, and along the coast of Labrador, from Mt. Joli through the Straits of Belle Isle, and northward indefinitely.† The commissioners secured better terms than was expected. It was agreed that American citizens were forever to have the right to catch fish on the shores of the Magdalen Islands, on the coast of Newfoundland, from the Rameau Islands to Cape Ray, and thence to the Quirpon Islands, and along the shores of Labrador, from Mt. Joli through the straits of Belle Isle, and northward indefinitely. It was provided also that American fishermen should forever have the right to dry and cure fish in

any of the unsettled bays, harbors, or creeks of Newfoundland, from Rameau Islands to Cape Ray, and on the coast of Labrador, from Mt. Joli eastward and northward. In consideration of these liberties, no American fishermen were to take, dry, or cure fish within three miles of any other of the coasts, bays, creeks, or harbors of the British North American possessions, though they were allowed to enter any of these bays, creeks, or harbors to seek shelter, make repairs, buy wood or obtain water.\*

Again, in connection with the northern boundary, the American representatives did better than had been expected. They were directed to secure a northern boundary from the Lake of the Woods as far west as possible. By the treaty of 1783, the northern boundary was defined as a line due west from the northwestern point of the Lake of the Woods to the Mississippi. As it was found almost impossible to draw such a line, it was agreed that a joint survey be made to establish a new line, but this survey was not made, and in 1803, when Rufus King concluded his convention, the boundary was defined as the shortest line from the northwest

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\* *American State Papers, Foreign Relations*, vol. iv., pp. 380-393; *Annals*, pp. 1526-1572.

† *American State Papers, Foreign Relations*, vol. iv., pp. 375-378. Adams says: "For my own part, I had always been averse to any proposal of accommodation. I thought our whole right, as stipulated by the treaty of 1783, so clear that I was for maintaining the whole; and if force should be applied to prevent our fishermen from frequenting the coast, I would have protested against it, and reserved the right of recovering the whole by force whenever we should be able. It had, however, been otherwise determined here, and a proposal had been promised."—*Memoirs of J. Q. Adams*, vol. iv., p. 96.

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\* *Niles Register*, vol. xv., pp. 434-436; Snow, *Treaties and Topics in American Diplomacy*, pp. 79-81; *Treaties and Conventions of the United States*, p. 415. See also Schuyler, *American Diplomacy*, p. 408 et seq.; Henderson, *American Diplomatic Questions*, pp. 498-500; Moore, *American Diplomacy*, pp. 92-93; Foster, *Century of American Diplomacy*, pp. 254-256.

corner of the Lake of the Woods to the Mississippi. Fortunately, this convention was never ratified, and the Louisiana purchase added new interest to the boundary question. In 1806 the question was raised once more, and three propositions were made. Great Britain demanded the 49th parallel, from the Lake of the Woods to the Rocky Mountains, but as Monroe and Pickney were not sure that this parallel touched the Lake, they proposed a line beginning at the northwesternmost point of the Lake, and running due north and south until it met the 49th parallel, and then along it to the Rockies. Monroe finally offered a line that was agreed upon, but the treaty was never even sent to the Senate, and thus the boundary remained unfixed at the time of the Ghent meeting.\*

Meanwhile, after Lewis and Clark returned in 1806 from their exploring expedition in the far northwest, the American fur traders began to realize the value of the vast unused hunting grounds, and shortly afterward the Missouri Fur Company was formed to engage in the traffic. Inside of two years several trading posts had been established on the upper Missouri, and another far beyond the Rockies at the headwaters of the Lewis River, though the latter was abandoned in 1810. In the latter year the Pacific Fur Company was founded by John Jacob Astor, of

New York, and in March of 1811 operations were begun on the south bank of the Columbia River, about eight miles from the ocean. The spot selected was named Astoria, in honor of the man who had promoted the enterprise, and preparations were made for putting up a factory, planting gardens, and opening a trade with the Indians.\* In July of that year, however, a party of Englishmen sent out by the British Northwest Fur Company arrived in the vicinity for the purpose of occupying the mouth of the river and taking possession of the surrounding country, but on arriving found the Americans in possession. After the declaration of war in 1812, some employes of the Northwest Fur Company arrived at Astoria and informed the men of the Pacific Fur Company that the British government had sent a frigate and an armed ship to take possession of the mouth of the Columbia, furthermore giving the Americans the information that the Atlantic coast was already blockaded by English squadrons. The Americans were so terrified that on October 16, 1812, they sold all the buildings and property to the Northwest Fur Company for \$40,000.†

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\* On this expedition see Washington Irving, *Astoria*; Bancroft, *North West Coast*, vol. ii., chaps. vii., xvi.; Parton, *Life of Astor*; Ross Cox, *Adventures on the Columbia River* (London, 1831); Alexander Ross, *Adventures of the First Settlers on the Oregon or Columbia River* (London, 1849) and *Fur Hunters of the Far West* (2 vols., London, 1855).

† McMaster, pp. 470-473.

\* McMaster, vol. iv., pp. 469-470.

When the peace commissioners met at Ghent this sale was unknown, each party bringing up the line offered in 1806, though the British stipulated that Englishmen should have access across the territories of the United States to the Mississippi, and free navigation of that river from its source to the Gulf. As before stated, Clay would not agree to any such proposition, and as the commissioners would not separate the two questions, the matter was left in abeyance. The first article of the treaty of Ghent stipulated that "all territory, places, and possessions whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, shall be restored without delay and without causing any destruction, or carrying away any of the artillery, or other public property originally captured in the said territories or places, and which shall remain therein, upon the exchange of the ratifications of this treaty, or in slaves or other private property." On July 18, 1815, therefore, Monroe declared to the British chargé that the United States demanded the restoration of Astoria.\* It was not before October of 1817, however, that a ship sailed from New York for this purpose, and upon her departure Mr. Charles Bagot, on November 26, 1817, remonstrated on the theory that the country adjacent to the Columbia was a British posses-

sion.\* But Bathurst did not sustain Bagot in his contention,† and on October 6, 1818, Astoria was surrendered to the American commissioners.‡

Meanwhile a temporary arrangement had been made at London regarding the actual ownership. In 1818 the American commissioners proposed that the northern boundary consist of a line due north or due south from the most northwestern point of the Lake of the Woods to the 49th parallel, and thence due west to the Pacific, stipulating, however, that west of the Rocky Mountains the citizens of each nation should enjoy the navigation of all rivers, and the free use of all the ports and harbors within the territory of the other. The boundary as suggested was acceptable to Great Britain, as far as the Rocky Mountains, but west of them she insisted that the territory lying between the 45th and 49th parallels should be jointly occupied. The matter was compromised on October 20, 1818, by accepting the line suggested by the Americans to the Rocky Mountains, west of which the country claimed or possessed by either was to be jointly occupied for ten years.|| The commercial convention of July 3, 1815, was

\* *American State Papers, Foreign Relations*, vol. iv., p. 852.

† Rush to Adams, February 14, 1818, *ibid.*, p. 853: "Lord Castlereagh admitted, in the most ample extent, our right to be reinstated, and to be the party in possession while treating of the title."

‡ Prevost to Adams, November 11, 1818, *ibid.*, pp. 854-855.

|| *Statutes-at-Large*, vol. vii., p. 249.

\* Von Holst *Constitutional and Political History*, vol. iii., p. 35.



also extended for ten years, while the question of damages for slaves carried off at the end of the war was held open, subject to arbitration.\* An article on the impressment of seamen presented by the British commissioners and one on blockade contraband and certain other matters failed to be adopted at the conferences.†

In the autumn of 1818 Mr. J. B. Prevost, the American commissioner dispatched by the President to receive the formal delivery of Astoria, reported on the condition in the Oregon Territory; but, though his description of the country was glowing, it was not before December of 1820 that Congress took the matter under consideration. At this time a committee was appointed to inquire into the condition of the settlements in the Pacific Coast region and as to the expediency of occupying the mouth of the Columbia River. On January 25, 1821, this committee through John Floyd, of Virginia, made a long report and a bill was presented to authorize the occupation of the Columbia and to regulate trade with the Indian tribes. This report carefully reviewed the American title to the country, related the history of the dis-

covery of the river and the Lewis and Clark expedition, told of the founding of Astoria, of the development of the fur trade, and ended with the statement that it was necessary only to establish a small and permanent post at the mouth of the Columbia to secure the development of Oregon.\* This was provided for in the bill,† but so distant did Oregon seem to the majority of Congressmen that the report was considered visionary and the bill was laid on the table.‡ On September 4, 1821, the Emperor Alexander issued an edict extending the rights of commerce, whaling and fishing, and practically all other industries, exclusively to Russian subjects on the northwestern coast of America "beginning from Behring Strait to the 51st degree of north latitude, also from the Aleutian Islands to the eastern coast of Siberia, as well as along the Kurile Islands from Behring Strait to the South Cape of the Island of Urup, viz. — to 45° 50' north latitude," and declared the sea a *mare clausum*. Foreign vessels were forbidden to land on the coast and island or to go within 100 Italian miles of them.|| This edict

\* *Annals of Congress*, 16th Congress, 2d session, pp. 945-957; Benton, *Abridgment*, vol. vii., pp. 74-81.

† *Annals*, pp. 958-959.

‡ Bruce, *The Romance of American Expansion*, pp. 116-117; Von Holst, *Constitutional and Political History*, vol. iii., pp. 37-38.

|| Henderson, *American Diplomatic Questions*, pp. 4-5, 331; Callahan, *American Relations in the Pacific*, p. 33 *et seq.*; Schuyler, *American Diplomacy*, pp. 292-295. For text see *Annals of Congress*, 17th Congress, 1st session, pp. 2143-2152.

\* McMaster, pp. 473-474; *American State Papers, Foreign Relations*, vol. ii., pp. 584-591; vol. iii., pp. 162, 164, 185; *U. S. Treaties and Conventions*, pp. 416, 428, 430; Moore, *International Arbitrations*, vol. i., p. 359 *et seq.*

† James B. Angell, *Diplomacy of the United States*, in Winsor, *Narrative and Critical History*, vol. vii., p. 491. See also, in connection with the negotiations, Rush, *Memoranda of a Residence at the Court of London*.

was given to Secretary of State Adams by the Russian Chevalier Pierre de Poletica, on February 25, 1822.\* On March 30, 1822, Adams entered an energetic protest against the doctrines incorporated in the edict,† but on April 2 Poletica cut short the discussion because he had no authority to continue it.‡

In his annual message to Congress in December of 1822,|| Monroe suggested that the United States seriously think of occupying Oregon. The bill of 1821 was again brought up and many speeches were made portraying the advantages of settling the Pacific Coast, but to no purpose, since the House refused to consider the subject.§ A short time afterward, however, Senator Benton moved in the Senate that the Committee on Foreign Relations be instructed to inquire into the expediency of taking possession of the territories on the northwest

coast. The Senate agreed to this, but as the session soon ended, no report was made.\* On April 24, 1823, Baron de Tuiyl, who had succeeded Poletica as Russian minister to the United States, sent a note to Adams requesting that the American minister at St. Petersburg, Mr. Henry Middleton, be empowered to settle the differences by negotiation.† Accordingly, on July 22, Adams instructed Middleton to admit no part of the Russian claims and to rest the American claims on the Spanish treaty of 1819, wherein Spain claimed the rights to the coast north of the 42d degree. He was to base his claims also on Gray's discovery of the Columbia, Lewis and Clark's exploration, and the settlement at Astoria. He was empowered to agree that no citizen of either nation should establish a settlement on the territory of the other without permission, and that no American settlements should be made north, and no Russian settlements south, of the 55th degree of north latitude.‡ Great Britain had also protested against the imperial edict and had likewise been invited to a conference for an adjustment of her claims. It

\* *American State Papers, Foreign Relations*, vol. iv., pp. 856-857. The text of the decree is on pp. 859-861. See also Henderson, *American Diplomatic Questions*, p. 6; Snow, *Treaties and Topics in American Diplomacy*, pp. 472-473; *Niles' Register*, vol. xxii., p. 149 *et seq.*

† *American State Papers, Foreign Relations*, vol. iv., p. 863; *Annals*, p. 2157.

‡ *American State Papers, Foreign Relations*, vol. iv., pp. 863-864; *Niles' Register*, vol. xxii., pp. 152-153; *Annals*, pp. 2158-2160. See also W. Sturgis, *Examination of the Russian Claims to the Northwest Coast of America*, in *North American Review*, vol. xv., pp. 370-401 (October, 1822).

|| Richardson, *Messages and Papers*, vol. ii., pp. 185-195; *Annals of Congress*, 17th Congress, 2d session, pp. 12-21.

§ *Annals*, pp. 396-409, 411-423, 430, 583-602, 678-688, 691-696, 700; Benton, *Abridgment*, vol. vii., pp. 392-405.

\* *Annals*, pp. 235, 246-251; Bruce, *The Romance of American Expansion*, pp. 117-118.

† *American State Papers, Foreign Relations*, vol. v., p. 435.

‡ *Ibid.*, pp. 436-437, 443 *et seq.* See also Schuyler, *American Diplomacy*, p. 297; Snow, *Treaties and Topics in American Diplomacy*, p. 475; *Memoirs of John Quincy Adams*, vol. vi., p. 159; Henderson, *American Diplomatic Questions*, p. 332; Foster, *Century of American Diplomacy*, pp. 265-266.

was supposed that both Great Britain and the United States would carry on a joint negotiation with Russia, but the British envoy was not empowered to conclude anything, and therefore Middleton began the negotiations on behalf of the United States alone. He suggested that the boundary line be made the 55th degree, but Russia offered 54 degrees 40 minutes, and this proposition was accepted and incorporated in the convention signed April 17, 1824.\* In this convention it was agreed:

"That in any part of the Great Ocean; commonly called the Pacific Ocean or South Sea, the respective citizens or subjects of the joint contracting powers shall be neither disturbed nor restrained, either in navigation or in fishing or in the power of resorting to the coast, upon points which may not already have been occupied for the purpose of trading with the natives." †

Russia also granted the United States the privilege of frequenting for ten years "without any hindrances whatever the interior seas, gulfs, harbors, and creeks upon the coast \* \* \* for the purpose of fishing and trading with the natives of the country." The sale of spirituous liquors, fire-arms, powder or munitions of war to the natives was forbidden.‡

It now seemed fitting that the United States and Great Britain

should adjust their differences regarding the Oregon Territory. Accordingly, on July 22, 1823, Adams instructed Rush to bring the matter before the British officials. He was not to admit as lawful the Russian application of the colonial principle of exclusion from any part of the northwest coast of America. He was to stipulate that in future the Russians should make no settlements south of the 55th degree, that north of the 51st degree the citizens of the United States should not settle, and south of 51st degree or north of 55th degree the British subjects should not settle; but, if England insisted, Rush was empowered to accept the 49th degree as the boundary from the Rocky Mountains to the sea.\* Great Britain, however, considered the unoccupied parts of America open for settlement exactly as they had been in the past and refused to make an exception of the northwest coast either north of the 42d degree or south of the 51st degree. She therefore rejected both propositions. The British officials suggested a compromise line—the parallel of the 49th degree from the summit of the Rocky Mountains to the northeasternmost branch of the Columbia River, and thence westward to the Pacific. This proposition was promptly rejected by Rush, who then suggested that the line be the parallel of the 49th degree from the mountains to the sea. Again England declined the offer and

\* *American State Papers, Foreign Relations*, vol. v., pp. 457-470. For text see Snow, *Treaties and Topics*, pp. 132-134; *American State Papers, Foreign Relations*, vol. v., pp. 432-434, 583-584; *Register of Debates*, 18th Congress, 2d session, vol. i., app., pp. 65-66; *Niles' Register*, vol. xxvii., p. 323.

† Henderson, *American Diplomatic Questions*, p. 8.

‡ Schuyler, *American Diplomacy*, p. 299.

\* *American State Papers, Foreign Relations*, vol. v., pp. 446-448.



in July of 1824 the negotiations ended.\*

On December 7, 1824, when Monroe sent his last annual message to Congress,† he again called attention to American interests on the Pacific and urged that a military post be established at the mouth of the Columbia River. On December 23, 1814, the House therefore, by a vote of 113 to 57, passed a bill providing for the occupation of the Columbia or Oregon River, but struck out that section which authorized the President to organize a territorial government if the public good required it.‡

Strong opposition was encountered, however, in the Senate, chiefly because of the great distance.|| It was objected also that the ten years of joint occupancy under the Convention of 1818 had not yet expired and that to establish a military fort there before the expiration of the time limit would be improper. Senator Dickerson, of New Jersey, said that from the mouth of the Columbia to the mouth of the Missouri was 3,555 miles, while from the mouth of the latter to Washington was 1,160 (1,148?) miles, and thus from the mouth of the Columbia to the

Capitol at Washington it was 4,703 miles. If a representative from Oregon should start for the capital city, he would spend 531 days on the way at the rate of 20 miles a day, or at the rate of 30 miles a day, the journey would consume 350 days. Furthermore, at the rate paid the members for mileage, this journey would cost the United States \$3,720.\*

Benton answered these objections, reviewing at great length the basis for the American claims and, after disposing of the question of title, turned to that of occupation. He said that, while the United States had the right of possession, Great Britain had actual possession; that the latter resisted occupation by the former; and that after 1828 the party actually in possession would continue to hold the territory until the ownership was settled by arbitration or by forcible restoration. He said that while Prevost had taken possession of the fort and raised the stars and stripes to satisfy the terms of the Treaty of Ghent, he had taken no soldiers with him to man the fort, and consequently Great Britain was as much in possession of the fort as if Prevost had not arrived. Furthermore, five other posts had since been built along the banks of the Columbia from the sea to the mountains, and the United States was making no effort to counteract this movement. He reviewed the docu-

\* McMaster, vol. v., p. 23.

† Richardson, *Messages and Papers*, vol. ii., pp. 248-264; Benton, *Abridgment of Debates*, vol. viii., pp. 93-100; *Register of Debates*, 18th Congress, 2d session, vol. i., app., pp. 1-8 and for the documents accompanying it referring to the above, p. 8 *et seq.*

‡ *Register of Debates*, 18th Congress, 2d session, vol. i., pp. 36-42, 59; Von Holst, *Constitutional and Political History*, vol. iii., p. 38.

|| Bruce, *The Romance of American Expansion*, pp. 119-120.

\* Benton, *Abridgment of Debates*, vol. viii., p. 186; *Register of Debates*, vol. i., pp. 691-692.

mentary evidence in the case and proceeded as follows:

"In the case before the Senate, the United States have a right of possession as the true owners of the country; another right under the treaty of Ghent; and a further right of entry, under the terms of this convention. But the last right is a limited privilege, which has but two and a half years to run. If it is suffered to expire it will require no spirit of divination to foresee the result. All right of entry or possession will then be denied. Our rights as owners will be said to be limited in the convention which had expired; our rights under the Ghent treaty will be said to have been satisfied by the idle ceremony, rather worse than useless, in which her Prevost was an actor; and having the possession of the river, a fleet in its mouth, batteries upon its shores, a line of posts to Canada, and the command of 140,000 Indians, Great Britain may safely take the attitude of defiance and trust to her arms for the defence of her position. That she will have the disposition to do so will be doubted by no one. \* \* \*

"Gentlemen have asked: What are to be the advantages of this occupation? What the effect upon this Union? What the effect upon the Asiatic Powers? I answer, the advantages will be (1) Securing to us the fur trade of the Rocky Mountains, the Upper Missouri, and the Columbia \* \* \*; (2) Preventing the British and Russians from acquiring the control of the Indians on the waters of the Columbia \* \* \*; (3) Giving us a naval station on the coast of the Pacific \* \* \*; (4) Opening a communication between the Valley of the Mississippi and the Pacific Ocean \* \* \*; and (5) the greatest of all \* \* \* the exclusion of foreign powers from it [Oregon]. \* \* \* [Regarding the effect upon the Union] he believed that the Union of these States would not be jeopardized by the occupation of that river, but it would be the means of planting the germ of a new and independent power beyond the Rocky Mountains. \* \* \* This republic should have limits. The present occasion does not require me to say where these limits should be found on the North and South; but they are fixed by the hand of Nature. \* \* \* Westward we can speak without reserve, and the ridge of the Rocky Mountains may be named without offence as presenting a convenient, natural and everlasting boundary. \* \* \* In planting the seed of a new power on the coast of the Pacific Ocean, it should be well understood that, when strong enough to take care of itself, the new government should

separate from the Mother Empire, as the child separates from the parent at the age of manhood. \* \* \* Gentlemen may think that this is looking rather deep into the chapter of futurity; but the contrary is the fact. \* \* \* Within a century from this day, a population, greater than that of the present United States, will exist on the west side of the Rocky Mountains. \* \* \* The proposition [now] is to execute the Ghent treaty, to expel the British from the Columbia River, to perfect our title by reducing the disputed territory to possession. \* \* \* On certain preliminary points both the Senate and the people would cordially agree, namely, neither to be tricked nor bullied out of their land nor to suffer a monarchical power to grow up upon it." \*

Benton's speech fell upon deaf ears. In his report, Major Stephen H. Long had said:

"The vast region commencing near the sources of the Sabine, Trinity, Brazos, and Colorado, and extending northwardly to the forty-ninth degree of north latitude, by which the United States territory is limited in that direction, is, throughout, of a similar character. The whole of this region seems peculiarly adapted as a range for buffaloes, wild goats, and other wild game, incalculable multitudes of which find ample pasturage and subsistence upon it.

"This region, however, viewed as a frontier, may prove of infinite importance to the United States, inasmuch as it is calculated to serve as a barrier to prevent too great an extension of our population westward." †

With such a desert barrier between the Eastern States and Oregon, the Senate deemed discussion of the matter idle, and the bill for occupying the mouth of the Columbia River was laid on the table by a vote of 25 to 14.‡

\* For the entire speech see *Register of Debates*, 18th Congress, 2d session, vol. i., pp. 699-713; Benton, *Abridgment*, pp. 189-198.

† For the details of Long's expedition, see Thwaites, *Rocky Mountain Exploration*, pp. 210-216; S. H. Long's *Account of His Expedition in 1819-20*, Compiled by E. James (2 vols., Philadelphia, 1823); H. H. Bancroft, *Northwest Coast*, vol. ii., p. 342.

‡ McMaster, vol. v., p. 27.



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LECTURES  
ON THE  
GROWTH AND DEVELOPMENT  
OF THE  
UNITED STATES.

AND J. EDWARD WILLY, M. A., F. R. S.  
OF THE LONDON AND EDINBURGH  
UNIVERSITIES.

*HENRY CLAY IN THE SENATE*

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OF THE



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LECTURES  
ON THE  
GROWTH AND DEVELOPMENT  
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UNITED STATES



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SERIES NINE

LECTURES FORTY-ONE (Part 2) TO FORTY-THREE

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*The Jeffersonian Era: Democracy and Nationality, 1801–1829*

(Continued)

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- 41. Internal and Foreign Affairs after the War of 1812 (Part 2)
- 42. The Missouri Compromise and the Monroe Doctrine
- 43. The Administration of John Quincy Adams





## CHAPTER XXXI.

1818-1825.

## ANTI-BANKING: TARIFF REVISION.

The rage for borrowing — Methods of the State banks — Causes of the hard times — Mismanagement of the National Bank — Changes in its officers — Attempts of the States to tax it out of existence — The cases of *McCulloch vs. Maryland* and *Osborne vs. the Bank of the United States* — Anti-banking in Kentucky — Conditions in Missouri — Anti-banking in Georgia — Petitions to Congress for protection to American industries — Passage of the tariff of 1820 — The election of 1820 — Remonstrances against the tariff — Reports of the committees — Failure of Congress to act.

At the opening of the year 1818 the hard times which had been experienced by the manufacturers and traders a year before began to be felt by the people, who, carried away by the flush times of 1815, had engaged in speculation, had involved themselves in debt, and now began to reap the reward of their folly. The ease with which money could be borrowed was undoubtedly due to the great number of chartered banks, wild-cat banks, and other corporations, which were everywhere endeavoring to circulate their notes. As their inducements were tempting, the people began to borrow; and as the profits to the banks were very great, numerous others began to seek charters, until by 1818 392 banks were conducting business in the 23 States and Territories.\*

\* McMaster, vol. iv., p. 485. Dewey (*Financial History*, p. 154) gives different figures. He says in 1815 there were 208 State banks, with a capital of \$82,000,000; in 1820 there were 307 banks,

The methods to which the New York banks resorted in an effort to keep their notes in circulation brought on such widespread distress that Governor Clinton was finally induced to ask for remedial legislation. In his message to the legislature, Governor Clinton said that these institutions had been responsible for the banishment of metallic money, fictitious capital, the rise of prices, and the dangerous extension of credit, which could end only in general bankruptcy. In their report, rendered February 24, 1818, the committee to which this matter was referred declared the State banking system to be particularly bad.\* Many of the banks had been guilty of numerous frauds. Some, in

with a capital of \$102,000,000 and deposits of \$31,200,000; and on November 1, 1829, there were 320 banks, with a capital of \$110,100,000 and deposits of \$40,700,000.

\* For the report see *Niles' Register*, vol. xiv., pp. 39-42.

order to get their notes into circulation, would deposit a small sum in specie in a distant bank for the purpose of redeeming its notes. This fact would be noised abroad, and when the bank bills had risen to par in that locality and were passing freely, a special issue would be made and signed with ink of an unusual color. The bank in which the specie had been deposited would then be ordered not to redeem in notes signed with ink of this color, and thus all who had taken the notes would lose just that much money. Other banks used "facility notes," which could not be deposited and which they would not take save in payment of a debt due the bank. Some banks would give large accommodations to certain persons who agreed to keep a certain sum of the bank notes in circulation for a specified time. Others would give discounts, provided the borrowers agreed to pay their notes in the bills of other banks, which would compel the borrower to collect and lay by the paper of rival institutions; but if by any misfortune he had not secured the necessary amount of paper from the rival bank when the note came due, the loaning bank would then sell him what paper he needed at a premium of from 14 to 20 per cent. On one occasion it was stipulated that no discounts should be given to anyone who traded at a certain store, because the owner had presumed to ask for current money with which to pay a debt in New York. In order to remedy this

condition, the committee asked that a joint committee be appointed to investigate the conduct of the incorporated banks, in order to find out if any improper means had been used to circulate their paper, or if any had refused to redeem notes in specie. This committee was also to investigate the conduct of officers and directors to ascertain if any fraudulent or usurious transactions had been made by them.\*

Under the conditions then existing, people began to look about for something to blame. The majority of the people thought that the banks were responsible for the hard times, and, being in an exasperated state of mind, they turned on the banks with such fury as seemed to threaten their further existence. Thus petitions and memorials were sent to the various State legislatures requesting that charters of such banks as refused to pay specie should be annulled. In other memorials it was said that the ease with which paper money had been obtained from the banks, had led the people into extravagance, speculation and indulgence in foreign luxuries far beyond their means. These importations from Europe were gradually draining the country of specie, and therefore the citizens should refrain from using a single article of foreign make which competed with those of domestic manufacture. In other words, citizens should combine to sup-

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\* McMaster, vol. iv., pp. 485-487.

port domestic manufactures and Congress should impose an additional duty on foreign fabrics to protect American workshops. One of the memorials circulated by the Pennsylvania Society for the Encouragement of American Manufactures stated that American manufactures could not compete with those of foreign countries because labor was too high; that mills and factories demoralized the people; that it was wrong to divert capital from farms and agriculture to factories; and that Congress ought to revise the tariff in such a manner as would revive the industries and afford effectual protection to them.

There was undoubtedly great depression in business at this time. As stated by the reports of various committees, in Philadelphia thirty branches of trade, which in 1816 employed 9,425 persons, then employed but 2,137; their wages had been reduced from \$58,340 to \$12,822 per week, and their annual earnings from \$3,033,799 to \$666,744. In the cotton manufacture the number of hands was reduced from 2,325 to 149; in book printing, from 241 to 170; in the potteries, from 132 to 27; in the woolen factories, from 1,226 to 260; in iron foundries, from 1,152 to 52; in paper and card factories, from 189 to 82; in the paper factories, from 950 to 175. A committee of Pittsburg citizens reported in December of 1819 that the number of persons employed had decreased from 1,960 in 1815 to 672, and the value of their manufactures

from \$2,617,833 to \$832,000. In the steam engine factories the number of banks was reduced from 290 to 24; in the glass works, from 169 to 40; while not a single person was then employed in the manufacture of cotton, wire, umbrellas, pipes, and linen.\* Such conditions were manifest in many portions of the country, especially in Rhode Island and New York, and the people were in a receptive mood for new suggestions as to tariff revision, particularly the enactment of such a law as would exclude British-made goods. The agitation regarding the latter became so widespread that the people were requested to withhold their support from Congressmen who would not vote for it, and shortly before the convening of Congress petitions requesting that heavier duties be laid on foreign goods were circulated in every manufacturing city and community. All over the North and East the people were meeting, complaining, organizing, and petitioning Congress and their State legislatures. The Providence manufacturers said that the foreign goods which had been sold at auction for less than cost had completely destroyed their business and had driven their employes into other fields of labor and into occupations little suited to their abilities. The States took widely divergent action. Ohio declared that the condition of the country was due to the lack of protection

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\* Bishop, *History of Manufactures*, vol. ii., p. 250. See also McMaster, vol. iv., p. 491.



for American industries, and asked that Congress prohibit the importation of foreign goods and appropriate sufficient money or men for the building of such roads and canals as would promote the general welfare of the Nation. In Vermont imprisonment for less than \$15 debts was forbidden. Pennsylvania recommended that the Federal government protect all branches of industry, that the State begin work on public improvements, and that the rising generation be educated in principles of public economy. In New Jersey an act against usury was passed and 7 per cent. was made the legal rate of interest.\*

In this state of affairs it was hardly possible that the Bank of the United States should escape the storm of general execration. When it first opened its doors for business in January of 1817, it had undertaken to force the State banks to reduce specie payments and to provide the country with a paper medium which would pass current in every State and Territory and be redeemable in specie on demand. The bank did not accomplish all that the people desired, however, and charges of mismanagement were freely circulated against its directors. When the bank first started business its actual specie capital was only \$2,000,000, which was entirely insufficient for the purposes of the institution. Accordingly an agent was sent abroad at a salary of \$20,000 to contract for

specie, and during 18 months (between July of 1817 and December of 1818) more than \$7,250,000 in gold and silver was imported. Thus the bank and its 18 branches, from Portsmouth to New Orleans, were able to cash notes wherever presented; but the cost of importing this money had been enormous, exceeding \$500,000.\* At this time the speculators who held shares in the banks far exceeded the capitalists; and, as the former were thus in charge of the operations of the bank; they guided its operations so as to secure enormous profits to themselves, regardless as to whether these operations conformed to the legitimate object for which the bank had been established. In their operations they used the following scheme: It would be agreed to discount the notes of stockholders for the payment of their installments upon the pledge of their stock without any other security, first at par and afterward for a 25 per cent. premium (requiring an endorser for the excess, however), these stock notes to be received indefinitely at the pleasure of the stockholders.† The result was that shares were bought without the advance of a single cent. A speculator would agree to purchase a number of shares, would apply to the directors for a loan, using as a security the stock engaged; then, by what was called a "simultaneous operation," the stock was transferred to

\* McMaster, vol. iv., pp. 492-495. See also Taussig, *Tariff History*, p. 69.

\* Sumner (*History of American Currency*, p. 76) gives the cost at \$800,000.

† White, *Money and Banking*, p. 280.

him, pledged to the bank, and the discount made with the avails of which he paid for his stock. If the market should then rise, he would be able to sell his stock at an advance, pocket the difference, and repeat the operation as often as he desired. Consequently the price of bank shares rose until in September of 1817 it had reached \$156.50 per share. Shortly afterward, however, a committee of Congress was appointed to investigate the condition of the bank, and the bubble burst, whereupon the shares dropped to \$90 apiece, throwing many of the stockholders into bankruptcy. The principal scene of such operations was Baltimore, the management of the branch of the bank in the city having fallen into the hands of persons without capital — and also without principle. Some of the directors were interested in two or three commercial houses, which drew from the bank \$1,500,000, and when the people awoke the defalcations in the Baltimore bank amounted to \$700,000.

One of the chief benefits expected from the bank was the creation of a general currency of uniform value. For this purpose it was requisite that bills issued by any particular branch of the bank — and according to their tenor, payable at that branch only — should be received and paid both at the parent bank and at all its branches. Until July of 1818 this plan had been followed, but as soon as a branch would open in any region where specie was scarce and began to issue its

notes, they would sell at a premium (paid for with State bank bills) and would be taken to some other branch of the bank where specie was plenty — there to be redeemed and the coin carried back to the place of scarcity. Having been thus redeemed, those bills would be returned to the branches whence they had been issued, to be again emitted. In the South and Western States there was little specie, and consequently enormous quantities of paper were emitted which soon found their way to the branches of the bank in the North, in return for which the specie was sent from the North to the branches in the South and West. The result was inevitable and, in self defence, the Northern banks were compelled to refuse payment and to begin a rapid curtailment of business in the Southwestern offices, which in eight months amounted to \$6,500,000. When the branches began to stop discounts and press the local banks to redeem their paper, the local banks began to press the people to take up their loans — something they were unable to do, because much of it had been lost in reckless land speculation. General bankruptcy followed, and in their distress the debtors turned upon the bank and its branches as the cause of all their misery. One of the worst features of the whole situation was the fact that some of the most prominent directors of the bank, both those elected by the stockholders and those nominated by the Government, were implicated in

the schemes of speculation above mentioned. When the committee already referred to investigated the matter, it made a report (on January 16, 1819) setting forth the real cause of the embarrassment.\* In consequence of the disclosures, William Jones, president, and several others resigned their positions.† A new board of directors was chosen and Langdon Cheeves was appointed president. Under his management, matters began to assume a brighter aspect; the stock found its way into the hands of real capitalists and shortly rose in value to \$120 per share. The most prudent measures in borrowing specie, arranging the relations of the branches, curtailing the discount, etc., were adopted, and not only was bankruptcy averted, but the bank, after a short season of uncertainty, began to recover its former stability and to regain the confidence of the mercantile world.

Meanwhile the State legislatures had been attempting to tax the branches of the United States Bank out of existence. North Carolina laid a tax of \$5,000 a year on the branch at Fayetteville; Maryland laid a tax of \$15,000 on the branch at Baltimore; Tennessee laid a tax of \$50,000; Georgia levied a tax of 30¼ cents on every \$100 of National bank stock operated upon or employed within the State; Illinois prohibited any but

State banks within the State; Kentucky laid a tax of \$60,000 in each of the two branches within the State; Ohio taxed each branch \$50,000; Pennsylvania proposed a constitutional amendment which would confine National banks to the District of Columbia; and the matter was discussed in the legislatures of Virginia, New York and South Carolina.\* In every case the tax was opposed, the most noted instances being the cases of *McCulloch vs. the State of Maryland* and of the Auditor and Treasurer of Ohio *vs. the Branch Bank of Chillicothe*.

In 1818 Maryland had imposed a tax on all banks and branches of banks conducting business within the State and holding charters which had not been granted by the State. In order that the tax might be easily collected, it was provided that such corporations as were subject to the law should issue notes of no other denominations than 5, 10, 20, 50, 100, 500 and 1,000 dollars, these notes to be printed on stamped paper provided by the treasurer of the Western Shore, though any foreign corporation so desiring could use stamped paper of its own selection by paying \$15,000 annually in advance. This law went into effect on May 1, but the Baltimore branch of the Bank of the United States refused to pay the stipulated \$15,000, and after the law went into effect,

\* *American State Papers, Finance*, vol. iii., pp. 306-391; *Niles' Register*, vol. xv., pp. 402-413, 436-462, 465-475.

† *Niles' Register*, vol. xv., p. 417.

\* M. S. Wildman, *Money Inflation in the United States*, pp. 107-108. See also R. C. H. Catterall, *The Second Bank*, pp. 63-64; *Niles' Register*, vol. xv., p. 385.



continued to print the bank notes on unstamped paper and to issue them over its counters. Some of these notes had been paid by the cashier, James W. McCulloch to George Williams in return for a promissory note which the bank had discounted. Thereupon John James, treasurer of the Western Shore, sued McCulloch in the Baltimore County Court. Judgment was given for the State, but McCulloch carried the case to the Maryland Court of Appeals. The latter confirmed the decision of the lower court, but the case was brought before the Supreme Court of the United States on a writ of error. The questions before the Court were: Has Congress the power to incorporate a bank? Has a bank so incorporated the right to open branches in the various States? And, have the States the right to tax such branches of a National bank as may be established in them? To the first two questions the Court made answer on March 6, 1819, in the affirmative, without a dissenting voice, and to the latter, that the States had no power to tax the branches of a National bank.\* The only power the States possessed was to tax the real property of the branch located within the State, and then only in common with other real estate of the same description throughout the State.†

\* See Wheaton, *Supreme Court Reports*, vol. iv., pp. 316-437; *Niles' Register*, vol. xvi., pp. 68-76.

† Marshall's *Writings*, pp. 160-187; Dewey, *Financial History*, pp. 157-159; Magruder, *Life of Marshall*, pp. 194-198; Thayer, *Life of Marshall*, pp. 85-87.

This decision was immediately defied by Ohio. In the spring of 1817 the Bank of the United States had opened a branch at Cincinnati, which act aroused much bad feeling in the State because all the profits to be derived from banking were coveted by the State institutions. When the legislature met in December of that year, a resolution was introduced calling for a report as to the expediency of taxing such branches as were in the State. The committee to whom this resolution was referred reported adversely. But the House rejected this report, and passed a resolution declaring the right of the State to tax such branch banks and the expediency of so doing. A bill imposing such a tax was thereupon introduced, but was laid over until December of 1818. Meanwhile, in the spring of 1818, the Bank of the United States opened another office at Chillicothe, which gave further offence. In February of 1819, therefore, Ohio passed the tax bill placing the amount to be paid by each branch at \$50,000 a year.\* The auditor of the State was required by this law to charge this amount against the branches on September 15 and to draw a warrant demanding such payment upon the various officers. Should payment be refused, the person to whom such a warrant was given was empowered to levy on any specie, bank notes, goods or chattels he might find in the room, and

\* Dewey, *Financial History*, p. 159.

in case the amount thus levied upon was less than the tax, he was empowered to seize whatever he might find in the vault and other chambers of the bank. If the property were still insufficient to satisfy, such agent had the power to summon the bank officers to court, where they should be compelled to account for the bank property. A few days after the passage of this law the Supreme Court decision in the case of *McCulloch vs. Maryland* was handed down. Nevertheless, as the law was mandatory, the Ohio auditor (Ralph Osborne) obeyed its commands. On September 11 the bank officials appeared before the Circuit Court of the United States at Chillicothe and obtained a subpoena in chancery restraining Osborne from collecting the tax; but instead of taking a copy of the order and a writ of injunction, the bank counsel sent a copy of the bill with a subpoena to answer. On September 15 these were served on the auditor, who, not considering that they constituted an injunction, issued a warrant for the collection of the tax, delivering it to John L. Harper and Thomas Orr for execution. On September 17, when the branch bank at Chillicothe was about to close for the day, Harper and Orr demanded the tax from the bank officials, and when the money was refused, entered the vault, seized all the specie and bank notes on hand (to the amount of \$100,000), loaded them on a wagon outside, and carried them to

the Bank of Chillicothe.\* The next day the bank officials secured a writ from the court restraining Osborne and Harper from paying over the money or making a report of its collection to the Legislature. Defying the writ, however, Harper and Orr paid over the cash to the State treasurer, and on October 18 were arrested,† but were released on a technicality when the trial came up in January of 1820.‡ The Bank of the United States then demanded that the money be returned, and when this was refused, a second bill of chancery was filed against the auditor, the treasurer, the Bank of Chillicothe, the Franklin Bank at Columbus, to which the money had been transferred, and others, but this suit was dismissed. Osborne and Harper were then compelled to show cause why a judgment should not be issued against them for contempt of court. Early in 1820 the case was brought up for trial, but was continued until September 9, when an attachment was issued returnable on the first day of the January term of the court in 1821.||

In December of 1820 the Ohio legislature met, and the auditor's report concerning his proceedings was immediately sent to a special committee, which in its report recommended that the State defy the decision of the Su-

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\* *Niles' Register*, vol. xvii., pp. 85-86.

† *Ibid*, pp. 227, 294, 337-338.

‡ *Ibid*, pp. 449-450.

|| *McMaster*, vol. iv., pp. 498-500. For the text of the opinion of the United States Circuit Court, see *Niles' Register*, vol. xix., pp. 82-84.

preme Court and, to make a test, advised that the legislature declare the Bank of the United States and its branches "outcasts beyond the pale of the law."\* This was approved by the legislature, and an act was passed withdrawing from the bank the protection of the State laws in certain cases.† Should the bank stop its suits against the State officers; should it submit to a 4 per cent. tax on its dividends, or leave the State—the the governor was empowered to suspend the law by proclamation. But the bank did none of these things. The law went into effect in September of 1821, and the Bank of the United States was a practical outlaw in Ohio.‡ Finally the circuit court decided that Osborne should pay back not only the money he had seized, but also interest on so much of it as consisted of specie.|| Osborne appealed to the Supreme Court, but in 1824 that tribunal, in the case of Osborne *et al. vs.* the President, Directors, and Company of the Bank of the United States, affirmed the decision of the lower court, save that the payment of the interest was not required.§

The General Assembly next adopted a set of resolutions declaring that the doctrines contained in the Kentucky

and Virginia Resolutions of 1798 and 1800 with respect to the powers of the general Government and the powers of the several States were sound and true; that the action taken by the circuit court violated the Eleventh amendment to the Constitution; that the States possessed the right to tax the business and property of any private corporation chartered by Congress and doing business in any State; and protesting against the doctrine that the Supreme Court could settle the political rights of the separate States and their powers as sovereign States in cases between individuals and in which any State was a party direct.\*

Kentucky also reluctantly and tardily acquiesced in an adverse decision of the Supreme Court. Conditions in that State were quite as bad as in Pennsylvania or Ohio. During the period of inflation east of the Alleghanies (1812–1818) the Western States were free from financial disturbance. The inflation system was inaugurated in Kentucky during the session of 1817–1818, when the legislature chartered 40 banks, which were to issue notes redeemable in notes of the Bank of Kentucky, founded in 1809 with a capital of \$1,000,000, of which the State owned a part. The State was then swept by a mania for banks as a means for making the poor rich, and clamorous demands were made for a share of the blessings ex-

\* For the complete report see *American State Papers, Miscellaneous*, vol. ii., pp. 643–654.

† See *Niles' Register*, vol. xix., p. 400; Ames, *State Documents on Federal Relations*, vol. iii., p. 5.

‡ See McMaster in *The Forum* for April, 1895.

|| *Niles' Register*, vol. xvi., pp. 75–76.

§ Wheaton, *Supreme Court Reports*, vol. ix., p. 738.

\* McMaster, vol. iv., pp. 502–504.



pected from the Bank of the United States. Accordingly two branches were established, one at Louisville and one at Lexington. Prices began to rise, specie was exported, and contracts were entered into, in the expectation of a wave of prosperity. Everyone hastened to get into debt in the expectation of getting rich thereby and as the only way of staving off impending ruin. When the banks began to contract their discounts and currency began to be reduced, the people were not able to meet their obligations; and, as the branches of the Bank of the United States were held to be responsible for the stoppage of loans and the contraction of the currency, the wrath of the people and the legislature was turned against them. The State banks had overissued their notes, which accumulated in the branch banks, and when their notes were presented for redemption the local banks construed such action as oppression, warding off responsibility from themselves by representing that they were victims of an alien monster which crushed them while they were endeavoring to confer blessings on the people about them. Accordingly, during the session of 1818-1819, the legislature enacted a law imposing a monthly tax of \$5,000 on each branch, but in February, before the first instalment became due, the United States district attorney applied for an injunction to stop the collection on the ground that Ken-

tucky had violated the act of Congress incorporating a bank and that the act in question imposed pains and penalties instead of laying a tax. As it was the evident purpose to drive the bank from the State, the court refused to consider the constitutionality of the law and granted a temporary injunction against the collection of the tax, though the bank was required to give bonds to the amount of \$40,000 not to take its funds out of the State until the matter was decided. This injunction was to hold until the following May, when the circuit court would be in session.

Meanwhile the inhabitants of Franklin County gathered at Frankfort and passed a number of resolutions suggesting remedies for the desperate condition of affairs in their vicinity. After stating their opinions as to the causes of the general embarrassment in the commercial world, they said it was the duty of the banks to suspend specie payment, to stop their calls for the redeeming of debts, and to issue more paper on good security. The legislature should meet and prescribe the amount of paper each bank might issue and the nature of the securities which individuals should give.\* A few days after this meeting, attorneys from the Bank of Kentucky, the Farmers' and Mechanics' Bank, the Commercial Bank, and the two branches of the Bank of the

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\* See the resolutions in *Niles' Register*, vol. xvi., sup., pp. 16-17.

United States met at Frankfort to suggest remedies for the desperate state of the finances. It was agreed at this meeting that the institutions represented would not suspend specie payments, and that they would render to individuals all the aid in their power by loans on good security. The other banks of the State were not in position to make such promises, and before December 1, 1819, 17 of the State institutions had suspended specie payments, and by so doing forfeited their charters.\*

Great excitement then prevailed, for the debts due these banks exceeded \$10,000,000.† In 1817 the circulation of the Bank of Kentucky was \$417,000. In that year the State banks and the two National bank branches went into operation, and the Bank of Kentucky could not sustain its circulation. It imported \$240,000 in silver and by November of 1818 had reduced its circulation to \$195,000. During 1818 and 1819 it fell heavily in debt to the National bank branches and in November of the latter year the branches ordered the debt to be collected. Many meetings of the people were held at which in-

tense indignation was expressed at the action of the branch banks and at which the favorite remedy suggested was the suspension of specie payment.\* Finally, on May 4, 1820, the stockholders of the Bank of Kentucky suspended payment, hoping that the legislature would sanction their action because of the many opinions expressed by the public in favor of it.†

Meanwhile the tax laid by the legislature on the branch banks remained unpaid, and when that body met in December, Governor Gabriel Slaughter recommended that it regulate the conduct of the branch banks in collecting and cashing the bills of the State bank and its branches, which, he said, had hindered the freedom of banking required by the commercial condition of the State. The legislature therefore instructed its Senators and Representatives to use their utmost endeavors to have the branch banks removed from Kentucky, and repealed the act of 1818 which chartered the independent banks.‡ A law was also passed over a veto on December 15, 1819, to help the debtor class, suspending all sales under executions, decrees and replevins for 60 days after the act became law, provided bonds were given by the defendant that the goods levied

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\* McMaster, vol. iv., pp. 506-507.

† "The whole State is in considerable commotion. The gross amount of debts due the banks is estimated at ten millions of dollars. \* \* \* Several county meetings have been held. Their purpose is: (1) a suspension of specie payments; (2) more paper money; (3) an extra meeting of the Legislature to pass some laws on the emergency. What did we tell the people of Kentucky when they littered their banks?"—*Niles' Register*, vol. xvi., p. 261.

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\* *Niles' Register*, vol. xvi., p. 434, also sup., pp. 17-18.

† Sumner, *Life of Jackson*, pp. 122-123; McMaster, vol. iv., p. 507.

‡ *Niles' Register*, vol. xviii., p. 296.

upon would be produced at the end of that time.\* The legislature gave permission also for the introduction of a bill declaring void such sales as were made under any execution issued in favor of the Bank of the United States or its branches, and also passed a replevin just before the 60 day stay-law expired. It was therefore possible when a court or justice of the peace issued an execution on any bond, judgment or decree, for the plaintiff to write on the bill the words, "Notes on the Bank of Kentucky or its branches will be accepted in discharge of this execution." If this endorsement were made, the defendant could replevy for one year only; but if the defendant should fail to replevy, the property might be sold on credit for one year for what it would bring. In case the plaintiff should refuse to make the endorsement, the defendant might replevy for two years. So iniquitous did this law appear that the right of the State to pass it was brought before the United States circuit court at Frankfort, but that tribunal decided that the State had a right to pass a replevin law and affirmed the constitutionality of the provision requiring an indorsement that Kentucky paper would be taken. The court declared, however, that that part of the bill permitting the sale of property seized under execu-

tion on credit was unconstitutional and void.\*

On November 29, 1820, as a further relief for the debtors, the Bank of the Commonwealth of Kentucky was established. It had no stockholders; its officers and directors were elected annually by the legislature, and their salaries were paid by the State.† The bank was authorized to issue notes for \$3,000,000 in loans on mortgage security, and the notes were apportioned among the counties according to the taxable property in each in 1820. Loans were to be made for the purpose of paying "just debts" or to purchase the products of the county for exportation. The profits of the banks were to go to the State; its notes were legal tender to and from the State; and its funds were to consist in part of all money thereafter paid in for land warrants, or land west of the Tennessee River; in part of the produce of the stock in the defunct Bank of Kentucky owned by the State after the affairs of that institution were wound up, and, finally, of the unexpended balances in the treasury at the end of the year. Hence the bank was little more than the State treasury incorporated and put into the hands of a commission elected by the legislature. That body appropriated \$7,000 to buy books, paper and plates for printing the notes, and this was all the actual cap-

\* Sumner, *Life of Jackson*, p. 124.

\* McMaster, vol. iv., pp. 508-509.

† M. S. Wildman, *Money Inflation in the United States*, p. 94.



ital the bank ever had. In reality, therefore, it was just one of those grand swindling concerns common to that period.\* One person writes that, as a result, the Bank of the Commonwealth "has nearly destroyed all commerce and trade, extinguished personal credit, and broken down confidence between man and man, as well as damped and depressed the industry of the State; but the people are beginning to get tired of its blessings, and its paper will soon cease working, leaving a debt, however, due to it from the poorest of the people to the amount of two and a half or three millions of dollars."†

In 1823 the notes of the bank began to be withdrawn and burned. In the same year the Kentucky court of appeals declared the relief laws unconstitutional, but in the following year the legislature confirmed their constitutionality and furthermore repealed the legislative act by which the State judiciary was organized and the court of appeals created, then appointing a new court of appeals with William T. Barry as chief justice. This action divided the State into "Old Court" and "New Court" parties, each striving for supremacy. In his message of November 7, 1825, Governor Desha denounced all banks, but especially the Bank of the United States. He said that the latter had been taken under the protection of the Federal Su-

preme Court and by means of this alliance had overthrown the sovereignty of Kentucky. He complained against the court of appeals for deferring to the decision of the Supreme Court, declaring the State tax on the Bank unconstitutional, but congratulated the State that the complaint judiciary had been removed. He defended the relief system and denounced the Federal courts for not recognizing the State relief laws in regard to writs issued by themselves. He evidently regarded the State as robbed of self-government by this intrusion of foreign courts, which brought with them an independent code of procedure.\* He suggested that both the old and new courts of appeals be abolished.

In 1826 the State election was carried by the "Old Court" party, whereupon the legislature repealed the replevin laws and treated the acts of the "New Court" as null and void. The latter then seized the records and held them by military force, and civil war was averted only by the moderation of the "Old Court" party. On December 30, 1826, the legislature passed an act over the governor's veto repealing the law constituting the "New Court" and during 1828-29 the court was constituted as a single anti-relief body. In 1828 the State was still divided into relief and anti-relief parties, the former favoring Jackson and the latter

\* Sumner, *Life of Jackson*, pp. 124-125.

† Niles' *Register*, vol. xxiii., p. 96.

\* Niles' *Register*, vol. xxix., p. 219.

Adams. At this time, however, the ideas of the relief party had changed somewhat, the relief men being in favor of State rights, of a strict construction of the Constitution and of limiting the supposed encroachments of the Federal power, especially the judiciary. In this year the anti-relief candidate for the governorship was elected, but the State was carried for Jackson.\*

In Missouri conditions were as bad as—if not worse than—in Kentucky, for there also had occurred wild speculation in land and reckless issuing and borrowing of bank paper. The demand for a better currency had resulted in 1817 in the charter of the Bank of St. Louis and the Bank of Missouri, and an era of paper money began. The beginning of steamboat traffic on the river opened new possibilities of trade and commerce. Settlers were rushing into the State by thousands; money was easy to get; and the old settlers engaged in land speculation, selling their lands to newcomers, buying again, borrowing the money to buy more land, and selling again to other newcomers. More goods was now imported by the merchants than ever before; more land was planted by the farmers; and land speculators purchased property, laid it out, and sold it on credit to all who would purchase. The day of reckoning soon came, however. The banks sus-

pended and, specie having been driven out by the issue of paper money, no circulating medium existed. Consequently taxes remained unpaid; debts were not settled; and land, labor, and produce were drugs on the market. At this time Missouri became a State, and, as its laws were no longer subject to revision by Congress, speedy relief was afforded by the legislature, which passed stay laws and created a paper money. Though forbidden by the Federal Constitution, the State issued bills of credit to the amount of \$200,000 in sums of 50 cents to \$10. Although the Federal Constitution forbids the States to make anything but gold and silver legal tender, Missouri made her bills of credit receivable for taxes and debts of every description due to the State for salaries and fees of all the officers and for salt sold by the lessees of the Salt Springs.\*

In 1816 Georgia had passed a law providing that any bank refusing to pay its notes in specie on demand should pay interest on the default at the rate of 25 per cent. per annum. When the branch of the Bank of the United States was established, it received the notes of the Georgia banks at par. In 1820 the Bank demanded that these notes be redeemed, but the Georgia banks refused to do so, though they pretended to be solvent; they refused, moreover, to pay interest on the unliquidated claim. In

\* Sumner, *Life of Jackson*, pp. 134-135.

\* McMaster, vol. iv., pp. 509-510.

May of 1821, the Georgia banks induced the legislature to repeal the interest requirement because it was only "in the interest of brokers and lottery ticket sellers." This left the banks liable to pay only the legal rate of interest on deferred claims — 8 per cent. Still dissatisfied, they induced the legislature to appoint a committee to report on the incendiary action of the United States Bank. The committee reported in November of 1821 that the Bank of the United States had intruded upon the State of Georgia without her consent and thereby interfered with her sovereignty as an independent State. They said that by accumulating State bank notes the Bank had deprived the State of a circulating medium and recommended that the rate of interest between the United States Bank and the State banks be made so low that in the future the banks could not accumulate each other's notes, and that while the State banks should continue to pay individuals in specie, "they shall refuse, whenever they think it prudent to do so, to pay specie for their bills to the United States Bank or its officers or agents, upon giving 60 days' previous notice of such intention." Accordingly the legislature fixed the rate of interest at zero and on December 24, 1821, passed an act which provided:

"Section 4. That if the Bank of the United States, or either of the branches of said bank, shall, after the first day of January next, collect, acquire, purchase, or receive on deposit the bills or notes of either of the banks incorporated by

the State of Georgia, which have been or may hereafter be issued by the banks aforesaid, and shall demand specie for the same, the bills or notes, so collected \* \* \* shall not bear interest on account of any refusal by either of the banks incorporated in this State to redeem the same in specie.

"Section 5. Nothing in this act shall be so construed as to deprive individuals who may demand specie for themselves for the notes or bills of either of the banks incorporated by the General Assembly of this State, from the same privileges and advantages in obtaining specie or interest as now exist by the Laws of this State."

Thereupon the Bank of the United States sold its Georgia bank notes at auction on the Savannah Exchange. In 1824, however, the act was repealed.\*

While the States were thus endeavoring to restore good times, petition after petition was being sent to Congress to enact such laws as would completely protect the industries of the country. The "Friends of National Industry," in a petition to Congress on December 20, 1819, after reviewing the condition of the country, suggested that Congress abolish credit on import duties, increase the duties on imported goods, and lay a restrictive tax on sales at auction.† The "American Society of the City of New York for the Encouragement of Domestic Manufactures," in a memorial presented December 27, 1819, suggested, in order to restrain

\* White, *Money and Banking*, pp. 285-287. See also William M. Gouge, *A Short History of Paper Money and Banking in the United States* (New York, 1835).

† *American State Papers, Finance*, vol. iii., pp. 440-443; *Annals of Congress*, 16th Congress, 1st session, pp. 2286-2293; Bishop, *History of Manufactures*, vol. ii., p. 256.



the influx of foreign products, that the tariff be increased, that auction sales of imported goods be taxed, and that the credit given on bonds at the custom house be abolished.\* The New York Chamber of Commerce opposed these views, saying that the 10 per cent. duty on sales at auction was prohibitive and would tend to stop such sales altogether; that to stop the credit system would overthrow a system which had been in successful operation for 30 years, would withdraw money from commerce, industry and agriculture, and that the change would inflict untold injury on the commerce of the country.† Other protests against an increase in duties were received from the Virginia Agricultural Society of Fredericksburg,‡ the United Agricultural Society of Virginia,§ the merchants of Salem, Massachusetts, and other places.¶ From the book manufacturers of Philadelphia,¶, the Society

of Paper Makers of Pennsylvania and Delaware,\* the manufacturers, dealers in and consumers of paper of Baltimore,† the rum makers of Boston,‡ and from various other organizations in the country came petitions seeking protection.¶ The Philadelphia Chamber of Commerce remonstrated against high duties on the wines and liquors of Portugal and Spain, charging that the existing duties had resulted in the closing of the ports of those countries to corn and flour.§

Hardly had the House settled down to business in December of 1819 when the tariff question was brought up, and though the session was productive of no legislation, it witnessed a momentous development of the tariff controversy. The House was strongly favorable to protection, and one of its first measures was to create separate committees on commerce and manufactures. Clay made up the Committee on Manufactures of members friendly to the protective policy, with Henry Baldwin, of Pennsylvania, as chairman; and from them, on March 22, 1820, came a new tariff bill.¶ In his annual report, the Secretary of the Treasury had indicated that there

\* *American State Papers, Finance*, vol. iii., pp. 443-444; *Annals*, pp. 2293-2296.

† *American State Papers, Finance*, vol. iii., pp. 451-452.

‡ *Ibid*, pp. 447-448; *Niles' Register*, vol. xvii., pp. 354-355; *Annals*, pp. 2296-2299.

§ *American State Papers, Finance*, pp. 458-465; *Annals*, pp. 2323-2327; the memorial of the Pennsylvania Society for the Encouragement of American Manufactures, the purpose of which was to refute the arguments in the Virginia memorials, is in *American State Papers, Finance*, pp. 526-530; *Annals*, pp. 2411-2423.

¶ Bishop, *History of Manufactures*, vol. ii., p. 257; *American State Papers, Finance*, vol. iii., pp. 463-468, 533-538; *Annals*, pp. 2307-2323, 2335-2347.

¶ *American State Papers, Finance*, pp. 462-463; *Annals*, pp. 2333-2335.

\* *American State Papers, Finance*, pp. 460-462; *Annals*, pp. 2327-2334.

† *Niles' Register*, vol. xvii., p. 331.

‡ *Annals*, pp. 2410-2411.

§ Bishop, *History of Manufactures*, vol. ii., pp. 257-258.

¶ *Annals*, pp. 2424-2439.

¶ *Annals of Congress*, 16th Congress, 1st session, pp. 1663-1669; *Niles' Register*, vol. xviii., pp. 133-136.

would be a deficit of more than \$1,000,000 in the current year and foreshadowed a deficit of \$5,000,000 in 1820, unless the Government were rigidly economical in its expenditures or the revenues were increased.\* The Committee on Manufactures, therefore, after refuting bills requiring cash payment of duties† and to lay a tax on sales by auction, introduced a bill providing for a complete revision of the tariff. The revision consisted chiefly in changing *ad valorem* duties from 7½ and 15 per cent. to 12½ and 20 per cent.; in raising 20 per cent. duties to 25 per cent.; in increasing the duty on silks from India to 50 per cent. and on woolens and cottons 8 per cent. (from 25 to 33 per cent.); in raising the duty on ready-made clothing, hats, caps, and bonnets from 30 to 40 per cent.; on forged iron bars, from 75 cents to \$1.25 per hundred weight; on hemp, from \$1.50 to \$2.50 per hundred weight; and in adjusting other rates so as to give fair protection to manufactures in general.‡ The committee frankly stated that the purpose of the

bill was to raise additional revenue by means of increased duties on sugar, coffee, molasses, and salt, and to afford protection by means of a general increase in the rates on manufactured articles.

The bill came before the Committee of the Whole on April 21, and Baldwin opened the debate with a long speech explaining the course of the committee in determining its increases, etc. He said that the committee had not considered the various petitions presented to them in determining whether or not the manufacturers of the country were losing money.\* He said, further, that the exacting revenue system had failed from plain and natural causes:

"The nation which relies for the means of paying its expenses solely on imports, must encourage the importation and not the manufacture of its articles of consumption. Whilst this is its policy, its internal industry must be confined to articles of export to pay for foreign fabrics which are imported. With importations revenue must diminish;† and this has been the reason why all attempts to promote our own manufactures have hitherto failed. Now the system must be changed; you must either make perpetual loans or open new sources of revenue by giving a new turn to the labor of the nation."

After Baldwin had finished his detailed explanation of the proposed measure,‡ Smith, of Maryland, of-

\* Dewey, *Financial History*, p. 166. For the text of the report see *American State Papers, Finance*, vol. iii., pp. 423-436. See also the report of April 14, 1820, in *ibid*, pp. 522-525.

† For Baldwin's speech on "Prompt Payment of Certain Duties," see *Niles' Register*, vol. xviii., pp. 299-307.

‡ Stanwood, *Tariff Controversies*, vol. i., p. 181; McMaster, vol. iv., p. 514. See also the comparative tables in *Niles' Register*, vol. xviii., pp. 164-165; *Annals of Congress*, 16th Congress, 1st session, pp. 1913-1915; Benton, *Abridgment*, vol. vi., pp. 602-603.

\* The speech is in *Annals of Congress*, 16th Congress, 1st session, pp. 1916-1946; *Niles' Register*, vol. xviii., pp. 241-254; Benton, *Abridgment*, vol. vi., pp. 603-616.

† Evidently he means that when importations diminish, the revenues will decrease in proportion.

‡ A brief resumé of the speech is in Stanwood, *Tariff Controversies*, vol. i., pp. 182-184.

ferred a hostile amendment reducing the duty on certain articles from 12½ to 7½ per cent.,\* but Clay significantly hinted that the House would do well to disregard the various amendments; otherwise the effect would be to lose the whole.† This hint was taken and, one after another, the various amendments offered by the opponents of the measures were voted down by the protectionists. Moreover, the protectionists succeeded in adding one or two more protective clauses and were defeated in only one case—that relating to books, the duty on which was reduced from 25 to 20 per cent. by a vote of 69 to 53.‡

Tyler, of Virginia, then made a long speech against the bill. He said that the proposed measure would not secure the permanent interests of the manufacturers; that the result of encouraging manufactures, following the increases of investment of capital in such industries, would be an excess of production far beyond the capacity of the country to consume; that the value of land, the capital of the farmer would be diminished and he would be shut out from foreign markets; that while ignoring the farmer and holding out a futile hope of a home market, the people would be burdened with a weight of taxation; that there was no necessity

to resort to artificial means to hasten our growth; and that an agricultural nation was much more independent than a manufacturing nation, since if the ports of the latter were closed, a great portion of the population was thrown out of employment and reduced to beggary, while other nations were in a great measure dependent upon an agricultural nation, since they must have food but could dispense with silks and gewgaws.\* Tyler's motion was rejected, however, by a majority of 25 (73 to 48).† Speeches in opposition to the bill were made by Ezekiel Whitman, of Massachusetts (District of Maine), William S. Archer and Barbour, of Virginia, and Lowndes; and in favor by Henry R. Storrs, of New York, Samuel Gross, of Pennsylvania, and Clay.‡ The bill came to a vote on April 28 and, after the salt duty had been reduced from 25 to 20 cents per bushel by a vote of 93 to 71,|| the House, on April 29, passed the bill by a vote of 91 to 78.§ The Senate made short work of the bill. It was referred to the Committee on Commerce and Manufactures, reported back by them

\* *Annals*, pp. 1952-1963; Benton, *Abridgment*, pp. 616-618; Stanwood, *Tariff Controversies*, vol. i., pp. 185-188.

† *Annals*, p. 1968.

‡ Stanwood, *Tariff Controversies*, vol. i., pp. 188-192. The speeches are in *Annals*, pp. 1963-2136. Lowndes' speech is given also in *Niles' Register*, vol. xviii., pp. 259-267.

|| *Annals*, p. 2138.

§ *Annals*, p. 2155. *Niles' Register* (vol. xviii., pp. 169, 178-179) gives the vote as 90 to 69 on the third reading and 91 to 78 on final passage (p. 181).

\* *Annals*, p. 1946; *Niles' Register*, vol. xviii., p. 166.

† *Annals*, p. 1946; *Niles' Register*, vol. xviii., p. 166.

‡ *Annals*, pp. 1949-1950; Stanwood, *Tariff Controversies*, vol. i., pp. 184-185.



on May 3, and on the 4th, by a vote of 22 to 21, was postponed until the next session.\* Meanwhile, on May 1, the bill requiring the cash payment of duties had been rejected by the House by a vote of 91 to 55.† A third measure, however, met a better fate in the House. This was to lay a heavy tax on auction sales, the proposition being to tax the sale of American goods 1 per cent., foreign goods of the varieties protected by import duties 10 per cent.; and uncompetiting foreign goods 5 per cent. This measure was defeated at first,‡ but upon reconsideration a duty of 5 per cent. on sales of competing goods was laid and on May 3 the bill was ordered to a third reading by a vote of 93 to 58,|| then passed by a vote of 89 to 61.§ In the Senate, however, it was postponed until the next session, which was equal to a rejection.¶

This debate on the tariff occurred on the eve of the Presidential and Congressional elections, but the tariff does not seem to have had any influence whatever on the election. The

election of 1820 was probably one of the most remarkable in our history. The Federal party at that time was almost extinct, and no candidates for President and Vice-President were nominated. A caucus had been held by the Republicans, and Monroe and Daniel D. Tompkins were renominated without opposition. While the tariff was not an issue in the campaign, still one of Monroe's acts had aroused considerable opposition; for, in spite of petitions and remonstrances from public meetings, civic organizations, State legislatures, etc., he had signed a bill which drew the line 36 degrees 30 minutes and established slavery beyond the Mississippi.\* The opposition was probably strongest in Pennsylvania, where there was much anti-slavery sentiment. A meeting was held at Philadelphia to nominate electors of President and Vice-President in opposition to Monroe, adopting the extinction of slavery as its platform. De Witt Clinton was nominated by the anti-slavery Republicans, but in the election which followed Monroe received the electoral vote of every State in the Union. When the day came for the electors to cast their votes in the various States, however, one of the New Hampshire electors

\* *Annals*, pp. 656-672; *Niles' Register*, vol. xviii., p. 183.

† *Annals*, pp. 2159-2171; *Niles' Register*, vol. xviii., p. 182.

‡ *Annals*, pp. 2173-2179; *Niles' Register*, vol. xviii., pp. 182-183.

|| *Annals*, pp. 2181-2183; *Niles' Register*, vol. xviii., p. 183. For Baldwin's speech see *ibid*, pp. 418-423.

§ McMaster, vol. iv., p. 515; Stanwood, *Tariff Controversies*, vol. i., pp. 170, 192-193; Taussig, *Tariff History*, p. 70 *et seq.*; O. L. Elliott, *The Tariff Controversy*, p. 210 *et seq.*

¶ *Annals*, pp. 2184-2185; *Niles' Register*, vol. xviii., p. 183.

\* St. George Tucker cried: "I trust in God, if the President does sign a bill to that effect, the Southern people will be able to find some man who has not committed himself to our foes; for such are, depend on it, the Northern politicians."—*William and Mary College Quarterly*, vol. x., pp. 11, 15.

voted for John Quincy Adams.\* Tompkins for Vice-President received 218 votes, as against 8 from Massachusetts for Richard Stockton, of New Jersey, 4 from Delaware for Daniel Rodney, of that State, 1 from Maryland for R. G. Harper, of that State, and 1 from New Hampshire for Richard Rush, of Pennsylvania. The elector who cast the single vote against Monroe declared that it was due to Washington's memory that no other President should share with him the honor of a unanimous election.†

Meanwhile, during the summer and fall of 1820, there had been much anti-tariff agitation, meetings being held, resolutions passed, remonstrances drawn up, and memorials sent around for signatures.‡ Probably the most important of these was the anti-tariff meeting held at Faneuil Hall, Boston, on October 3, 1820, because it was addressed by Daniel Webster, whose views on the subject later underwent a change. In this speech he brought up the constitutional question. The report says:

"He certainly thought it might be doubted whether Congress would not be acting somewhat against the spirit and intention of the Constitution in exercising a power to control essentially the pursuits and occupations of individuals in

their private concerns—a power to force great and sudden changes both of occupation and property upon individuals, not as incidental to any other power, but as a substantial and direct power."

He is reported to have said also:

"It could hardly be contended that Congress possessed that sort of general power by which it might declare that particular occupations should be pursued in society and that others should not. If such power belonged to any government in this country, it certainly did not belong to the general government."\*

Webster did not deny that Congress had the right to encourage certain occupations as an incident of the power to raise revenue, but denied that the incidental object might supersede the object for which the power was granted, that being of greater importance.†

When the second session of the Sixteenth Congress met on November 13, 1820, petitions immediately began to pour in, consisting of remonstrances from the agricultural districts and planters of the South and the Northern shipping interests, which claimed that the manufacturer had sufficient protection, that it was high time to consider the farmer and shipper, and that a raise of the tariff would seriously injure commerce.‡ The remonstrances submitted to Congress were sorted, those from the

\* Schouler, *United States*, vol. iii., p. 199.

† Adams, *Lives of Madison and Monroe*, pp. 340-341; Stanwood, *History of Presidential Elections*, pp. 70-72; Schouler, *United States*, vol. ii., p. 537.

‡ Bishop, *History of Manufactures*, vol. ii., pp. 266-267. See also Jervy, *Robert Y. Hayne*, pp. 106-111; *Niles' Register*, vol. xviii., pp. 433-436.

\* See Lodge, *Life of Daniel Webster*, p. 160. See also Curtis, *Life of Webster*, vol. i., pp. 207-208.

† Stanwood, *Tariff Controversies*, vol. i., pp. 196-197.

‡ *American State Papers, Finance*, vol. iii., pp. 540-546, 563-567, 577-579, 583-586. See also *Niles' Register*, vol. xix., pp. 5-7; *Annals of Congress*, 16th Congress, 2d session, pp. 466-469, 673-678, 1490-1533.

agricultural districts being sent to the Committee on Agriculture, composed chiefly of anti-tariff men, while those from chambers of commerce, auctioneers, etc., were sent to the Committee on Manufactures, which had reported the Baldwin bill during the last session. Each committee presented a report, one against and the other for a new tariff, one pleading for the manufacturer and the other for the farmer. In their report (on January 15, 1821) the Committee on Manufactures said:

"It is not a matter of very great consolation to the committee to know that at the end of the thirty years of its operation, this Government finds its debt increased \$20,000,000 and its revenue inadequate to its expenditure; the national domain impaired, and \$20,000,000 of its proceeds expended; \$35,000,000 drawn from the people by internal taxation, \$341,000,000 by impost, yet the public treasury dependent on loans; in profound peace and without any national calamity, the country embarrassed with debts and real estate under rapid depreciation; the markets of agriculture, the pursuits of manufactures, diminished and declining; commerce struggling, not to retain the carrying [trade] of other lands, but our own. There is no national interest which is in a healthful, thriving condition. \* \* \* Why are these things so? The sea, the forest, the earth yield their abundance; the labor of man is rewarded; pestilence, famine or war commit no ravages; no calamity has visited the people; peace smiles on us; plenty blesses the land. Whence, then, this burst of universal distress? \* \* \* History affords no other example of a people impoverished while in the full fruition of health, peace and plenty; \* \* \* elsewhere an overflowing treasury indicates national prosperity; with us, two years of the greatest revenue have been selected as the epoch which has consummated our embarrassments. There are sources of taxation which will supply the public wants from the people's surplus; those sources are traced in every country but this. Our revenue system is founded on the markets and the consumption of the people, and both are dependant on foreign power and interest. \* \* \*

"If foreign systems have produced these lamentable consequences, it cannot be necessary to enforce the necessity of their counteraction; if a domestic system, or the want of one, has led us to our present state, its abolition, or the adoption of a new one, is a solemn duty due to our constituents. \* \* \* The expenses of this Government increase with the population of the country; yet while expenditure is on the advance revenue is on the decline. Ours is the last Government in the whole community of nations which is willing that the markets for the production, the establishments for fabrication, should be in a foreign country, under the influence of foreign Powers; we give efficient protection only to the means of distributing our wants. We seem not to follow the experience of ages. \* \* \*

"The estimate of the Treasury Department is, that, in three years, the currency of the country was contracted \$65,000,000 [from \$110,000,000 to \$45,000,000]. This diminution of the currency is not owing to its distinction, but to the want of use and employment. \* \* \* Business, then, has fallen off 59 per cent. [and] embarrassment and distress have increased in the same ratio. \* \* \* It is not the business of importation of foreign goods, for it was never so great. \* \* \* It is not the business of remittance [for that] still continues in full activity, requiring not only money, but bank stock, public stock, book debts, notes, bonds, judgments, and bankruptcies to pay the balance against us. Foreign systems, with unresisted, unchecked sway, have attained the command of our consumption; [they] deny the use of our products, monopolize the profits of converting rough materials into manufactures, and would have acquired the profits of their distribution had this Government 'let it alone.' Foreign agriculture supplies the materials, and foreign industry the labor which produces to the American people their clothing, their utensils, and means of defence against foreign aggression."

The committee urged the adoption of the protective principles, and then went on to answer the objections to such a system. The report of the Committee on Agriculture was pre-

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\* *American State Papers, Finance*, vol. iii., pp. 594-645; *Annals of Congress*, 16th Congress, 2d session, pp. 1552-1653.



sented on February 2, 1821, in which everything that the Committee on Manufactures had condemned was supported. The report closed with a resolution that the increases proposed by the Committee on Manufactures were incompatible with the interest of agriculture and of the community generally, and ought not to be adopted.\* In the end their wish was realized, for on March 3, 1821, Congress expired without having taken any action on the tariff.†

In December of 1821, when the Seventeenth Congress met, the subject was again taken under consideration. Clay was no longer Speaker and in his stead was Philip P. Barbour, of Virginia, who was opposed to protection and had made one of the important speeches against the tariff bill of 1820. Though Baldwin was still its chairman, the Committee on Manufactures was against further legislation, and Baldwin was forced to report that a majority of the committee had instruc-

ted him to say that legislation on the tariff at the present time was inexpedient. Nevertheless Baldwin brought forward a series of resolutions favoring an increase of duties, but though he moved several times that these resolutions be considered, nothing was done.\* At the next session (1822-1823) John Tod, of Pennsylvania, chairman of the Committee on Manufactures, succeeded in getting a bill "for the more effectual encouragement and protection of certain domestic manufactures" before the Committee of the Whole,† but when he moved that the bill be brought directly before the House, the motion was defeated. Though he tried to have the debate on the bill resumed, the House refused to follow his lead and the measure was soon forgotten.‡

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\* *Annals of Congress*, 17th Congress, 1st session, pp. 645-647; Bishop, *History of Manufactures*, vol. ii., p. 273.

† For text see *Annals of Congress*, 17th Congress, 2d session, pp. 544-547; *Niles' Register*, vol. xxiii., pp. 316-317. See also pp. 363-364.

‡ Stanwood, *Tariff Controversies*, vol. i., pp. 197-198; *Annals*, pp. 726-733, 739-792, 812-824, 890-906, 910-958, 964-1013; O. L. Elliott, *The Tariff Controversy*, p. 231; Bishop, vol. ii., pp. 279-281.

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\* *American State Papers, Finance*, vol. iii., pp. 650-660; *Annals of Congress*, pp. 1653-1681.

† McMaster, vol. iv., p. 521; Taussig, *Tariff History*, p. 74.

## CHAPTER XXXII.

1819-1821.

### THE MISSOURI COMPROMISE.

The settlement of Missouri—Her petitions for admission to the Union — Attempt of Congress to prohibit slavery — The struggle over slavery in Arkansas — Public sentiment respecting slavery — Early attempts of Maine to separate from Massachusetts — Her formation of a constitution and application for admission — Debate over the admission of Maine and Missouri — Speeches of Pinkney and King and the debate on the Thomas amendment — Final passage of the bill — Obnoxious clauses in the Missouri constitution — Clay's compromise — Struggle over the electoral vote — The final compromise and termination of the dispute.

On March 26, 1804, Congress divided the newly purchased Louisiana into two parts, with the 33d degree of north latitude as the dividing line. The territory south of this line was named the Territory of Orleans, and that north of it was called the District of Louisiana. As we have seen, the territory of Orleans was given a government of its own, but Louisiana had been attached to the Territory of Indiana. On July 4, 1805, however, the District of Louisiana became the Territory of Louisiana, with a governor, secretary, judges, etc.\* In 1812, when the Territory of Orleans was admitted as a State under the name of Louisiana, the name Territory of Louisiana was dropped and that of Territory of Missouri substituted. As Missouri, according to the census of 1810, had 20,000 inhabitants, it became a Terri-

tory of the second grade and was given a house of representatives elected by the people, a legislative council of nine appointed by the President, and a delegate to Congress. When the hard times came after the War of 1812, hundreds of thousands of people migrated from East to West, a large percentage of them settling in Missouri.\* As slavery was permitted in the Territory, it was a land of promise for every slaveholder and emigrant from the Southern States. The increase in the population brought a desire for a change in the form of government.

In 1816 Congress had consented that the council should consist of one member from each county to be elected by the people, who clamored for the kind of local government they had known in the East. Hence when In-

\* See Volume v., chaps. ii. and xii. of this History.

\* McMaster, vol. iv., pp. 570-571.

diana, Mississippi and Illinois were admitted, the feeling that Missouri should become a State and be allowed to join the Union became much stronger. Soon petitions were sent to Congress, and though they were ignored at first, one finally came from the Territorial legislature, received attention, and was sent to the select committee of which John Scott, the Missouri delegate, was chairman. A bill was soon reported and sent to the Committee of the Whole, but nothing was done before the House adjourned in the summer. In November of 1818, when Congress re-assembled, a second petition was presented from the Missouri Legislature and on January 30, 1819, Mr. Scott introduced another petition from what is now Arkansas, asking that the Territory be divided.\* These petitions were referred to the proper committees, and shortly afterward a bill to enable the people of Missouri to form a State constitution was reported, and on February 13, 1819, the matter was taken under consideration by the Committee of the Whole. Hardly had the discussion opened when James Tallmadge, Jr., of New York, introduced an amendment which threw the committee into confusion. This amendment provided "That the introduction of slavery or involuntary servitude be prohibited except for the punishment of crimes whereof the party has been duly convicted; and that all children born

within the said State after the admission thereof into the Union shall be free at the age of twenty-five years."\* This amendment was immediately attacked from all sides as being unconstitutional, unwise, and impossible of execution. It was said that Congress had no power to lay a restriction on any State as a condition upon which it might be admitted to the Union. According to the treaty by which Louisiana was purchased, Congress was pledged to form that territory into States and admit them on the same footing as the original States; but if Missouri were compelled to abolish slavery before being admitted to the Union, she would not enter the Union on an equality with the other States. The restriction would be unwise, as Southern emigrants would thus be shut out from the State and free State men alone allowed to enter. Besides, the diminution of emigrants would lessen the number of purchasers of land, with the consequent drop in public revenues. The amendment could not be carried out, for even though the State were admitted with this restriction, it would amend its constitution and reestablish slavery on becoming a State, a thing Congress could not prevent.† Despite all oppo-

\* *Ibid*, p. 1170; Benton, *Abridgment*, vol. vi., p. 234; *Niles' Register*, vol. xvi., sup., p. 161; McDonald, *Select Documents*, p. 221. See also Von Holst, *Constitutional and Political History*, vol. i., p. 357.; G. W. Williams, *History of the Negro Race in America*, vol. ii., p. 14.

† See the speeches in *Annals*, pp. 1170-1193; Benton, *Abridgment*, vol. vi., p. 334; *Niles' Register*, vol. xvi., sup., pp. 161-173.

\* *Annals of Congress*, 15th Congress, 2d session, pp. 413-414, 418, 911.



sition, the committee adopted the amendment by a vote of 79 to 67, when the bill was reported to the House.\* On February 16 it was finally agreed to by two votes (87 to 76 and 82 to 78), was ordered to a third reading by a vote of 97 to 56 and on the 17th passed the House.† In the Senate the matter was quickly disposed of, for the session was rapidly drawing to a close. The bill was hurried to a committee, reported with the Tallmadge amendment stricken out, and passed on March 2.‡ The House, by a majority of two (78 to 76), refused to concur in the amendments and sent the bill back to the Senate,|| but the Senate refused to reconsider its amendments and returned the bill to the House, which for the second time voted to adhere (78 to 66) and consequently the bill was lost.§ The whole subject was therefore laid over until the next session.¶

The struggle for free soil was not confined to Missouri, for a bill had been introduced creating the Territory of Arkansas. On February 17, 1819, this bill came up in Committee of the Whole and John W. Taylor

moved an amendment similar to Tallmadge's amendment to the Missouri bill.\* A sharp struggle followed. Clay accused the free-soil members of "negrophobia," of a desire to coop up their brethern of the South, and demanded to know what they had done that they should be proscribed.† Felix Walker, of North Carolina, said that the amendment deprived the South of all part and lot in the territory west of the Mississippi and the people of Arkansas of the constitutional right of enacting their own laws by imposing on them a condition which they could not accept.‡ These arguments had much weight and the amendment failed by a vote of 80 to 68.¶ When the bill came up the next day (February 18) Taylor again moved his amendment. The first part, relating to the future introduction of slaves, was lost by one vote (71 to 70), but the second part, declaring that "all children born of slaves within the said territory shall be free but may be held to service until the age of twenty-five years," was passed by a vote of 75 to 73.§ But the bill was laid on the table and on the next day was sent to a select committee, with instructions to report it with a gradual abolition clause.¶ This committee reported

\* Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 136-138.

† *Annals*, pp. 1194-1216; Benton, pp. 346-356; Williams, *The Negro Race*, vol. ii., p. 15.

‡ *Annals*, pp. 238, 251, 272-273, 279.

¶ *Annals*, pp. 1433-1435.

§ *Annals*, pp. 1436-1438; Benton, pp. 370-371.

¶ Curtis, *Constitutional History*, vol. ii., pp. 200, 201; Williams, *The Negro Race*, vol. ii., p. 15; Schurz, *Life of Clay*, vol. i., pp. 176-177; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 138-139; Schouler, *United States*, vol. iii., pp. 102-103.

\* *Annals*, p. 1222; Benton, p. 356; *Niles' Register*, vol. xvi., p. 94.

† *Niles*, sup., p. 173.

‡ *Ibid*, sup., pp. 174-175; *Annals*, pp. 1226-1227.

¶ *Annals*, p. 1235.

§ *Niles*, p. 94; *Annals*, pp. 1237-1238; Benton, p. 364.

¶ *Niles*, p. 95.

the bill immediately without amendment and the report was concurred in by a vote of 89 to 87.\* Taylor moved some new amendments, and when these were rejected he moved that "Neither slavery nor involuntary servitude shall hereafter be introduced into any part of the territories of the United States lying north of 36 degrees and 30 minutes north latitude."† The House was not ready for such a sweeping declaration, however, and Taylor withdrew the amendment, whereupon the bill was ordered to be engrossed.‡ On the 20th it was passed and, as no opposition was encountered in the Senate, it was sent to the President for signature, becoming law on March 2.||

The struggle for free soil was then transferred to the country at large. Anti-slavery societies at this time had fallen into decay, and even anti-slavery literature had ceased to appear; the only anti-slavery newspaper in existence was *The Philanthropist*, edited by a Southern man and circulated in the South, while the only active anti-slavery societies were the manumission societies in the South. The belief was prevalent in the North that the status of slavery had long since been settled, but when the fur-

ther extension of slavery was brought up by the struggle over the admission of Missouri, the North became violently excited, and the excitement found vent in meetings and resolutions. At a meeting in Trenton on January 24, 1820, the Senators and Representatives of that State in Congress were requested to use their utmost endeavors to prevent slavery in Missouri or in any other State which should hereafter be admitted.\* A meeting at Boston declared that Congress had ample power under the Constitution to prohibit slavery, that it could make the prohibition of slavery a condition of admission to the Union, and that in this particular case it was expected to do so. Various other meetings at Philadelphia, Baltimore, and New York took the ground that slavery was a political and moral evil, dangerous to the public welfare, at variance with the Declaration of Independence and with the principles of universal liberty and human rights, and that it was unwise to allow States to be created which would tolerate slavery within their jurisdiction. These resolutions were re-echoed by county meetings, town meetings, grand juries, etc., and all the Northern States and several of the other States instructed their Representatives to oppose the admission of Missouri on a slaveholding basis, while

\* *Annals*, p. 1272-1273.

† *Annals*, p. 1280; *Niles*, p. 95; *Benton*, p. 366.

‡ *Annals*, 1282.

|| *Annals*, pp. 2502-2505. See also McMaster, vol. iv., pp. 574-576; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 139-141.

\* Williams, *The Negro Race in America*, vol. ii., p. 16; McMaster, vol. iv., p. 577.

Pennsylvania went so far as to demand a total abolition of slavery.\* South of Pennsylvania and Delaware, public sentiment was just the reverse. Maryland instructed her Representatives to see that all new States admitted be given the same rights and privileges as the old ones and that a prohibition of slavery should not be a condition of admission.† The General Assembly of Virginia declared that they would “support the good people of Missouri in their just rights and admission into the Union, and [would] coöperate with them in resisting, with manly fortitude, any attempt which Congress [might] make to impose restraints or restrictions as the price of their admission.”‡ Kentucky instructed her Representatives and Senators to vote for the admission of Missouri “whether those people will sanction slavery by their constitution or not.”§ Ohio and Indiana favored restraining slaveholding in the territory east of the Mississippi.

The first session of the Sixteenth Congress began on December 6, 1819. Clay was reëlected Speaker without opposition and on the 7th the third annual message was received. § Al-

most immediately after this was read, John Scott moved that the memorial sent by Missouri to the last Congress be referred to a select committee. Strong, of New York, then said that he would introduce a bill the next day prohibiting the further extension of slavery within the Territories of the United States.\* On December 14 Alabama was admitted as a slave State, without any great difference of opinion in Congress,† and almost at the same time (December 8) a memorial was presented by the people of Maine praying to be admitted as a State before the last day of January, 1820.‡

It will be remembered that for a long time after the Revolution Maine continued to be a part of Massachusetts, and the subject of separation does not seem to have been broached until public discussion was started in the *Falmouth Gazette* in 1785. In September of that year a call was issued for a convention of the inhabitants to take the subject under consideration. In January of 1786 such a convention met at Falmouth (now Portland) and a committee was appointed to draw up a list of grievances against Massachusetts. Such a list was drawn up, but nothing seems to have been said regarding separation, though it was suggested that another

\* Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 150-152. See also *Niles' Register*, vol. xvii., pp. 189, 199-201; 241-242, 287, 296-297, 304, 342-343.

† *Niles' Register*, vol. xvii., pp. 334, 336.

‡ *Ibid*, vol. xvii., pp. 343-344.

§ *Ibid*, vol. xvii., p. 344.

§ For which see Richardson, *Messages and Papers*, vol. ii., pp. 54-62; *Niles' Register*, vol. xvii., pp. 235-239; *Annals of Congress*, 16th Congress, 1st session, pp. 12-20; Benton, *Abridgment*, vol. vi., pp. 375-379.

\* *Annals*, p. 704.

† For her constitution see *Niles' Register*, vol. xvii., pp. 45-53. The enabling act, resolution for admission, and constitution will be found also in Thorpe, *Federal and State Constitutions*, vol. i., pp. 92-114.

‡ *Annals*, p. 704.



convention be held the following September. At this convention a petition to the legislature requesting the separation was prepared, but it was not presented until 1788. At this time the legislature refused to take any action in the matter and, as public interest died out, nothing further was done for several years. In 1791, however, agitation on the subject was renewed. It was found that the taxes paid by Maine to Massachusetts would support a separate State government, and the General Court accordingly appointed the first Monday in May of 1792 as the time when the people of Maine should vote for or against separation. When the vote was taken, separation was defeated by a vote of 2,525 against 2,074.\* In 1793 a third attempt was made and several conventions were held until 1797; but, as nothing definite was decided upon, the question was dropped until 1807, when the General Court was again persuaded to submit the question to the people. The attempt to separate was again defeated — this time by a vote of 9,000 to 3,000 — and nothing more was heard of separation until 1815. By that time emigration to the West was in full swing and the people became alarmed lest the district become depopulated, and in the hope of checking migration, agitation for separation was revived for the fifth time. The General Court was persuaded

once more to submit the question to the people. This time the separationists were successful, the vote being 10,000 for and 6,000 against separation. The General Court then ordered an election of delegates to a convention to meet at Brunswick for the purpose of framing a constitution, but when the convention met, the members fell to quarrelling and again the movement proved abortive.\* Three years later (1819) another effort was made, which resulted in complete success (the vote standing 17,091 to 7,132†) and on October 11-29, 1819, a convention framed a constitution, which was accepted by the people in town meetings on December 6.‡

The memorial before mentioned, requesting admission into the Union was then sent to Congress and referred to a select committee. On December 21 a bill to admit Maine was reported, and on the 30th was considered in Committee of the Whole.¶ When it was suggested that the Committee report the bill to the House, Clay made a long and bitter speech in which he said that he would not consent to the admission of Maine while a restriction of any sort was imposed upon Missouri.§

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\* McMaster, vol. iv., pp. 582-583.

† *Niles' Register*, vol. xvii., p. 9; Schouler, *United States*, vol. iii., p. 156.

‡ Thorpe, *Federal and State Constitutions*, vol. iii., pp. 1646-1664. See also *Niles' Register*, vol. xvii., pp. 116, 142, and vol. xix., pp. 26-36.

¶ *Annals*, p. 749; Curtis, *Constitutional History*, vol. ii., p. 201.

§ Clay, *Life of Clay*, pp. 110-111.

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\* McMaster, vol. iv., pp. 581-582.

He said:

"A State in the quarter of the country from which I come asks to be admitted in the Union. What say the gentlemen who ask the admission of this State of Maine into the Union? Why, they will not admit Missouri without a condition which strips it of an essential attribute of sovereignty. What, then, do I say to them? That justice is due to all parts of the Union; your State shall be admitted free of condition, but if you refuse to admit Missouri also free of condition, we see no reason why you should take to yourselves privileges which you deny to her; and until you grant them also to her we will not admit you."\*

Another objection was raised regarding the representation of Maine in the House. To all intents and purposes, the District of Maine was not known to the House, for Maine was still a part of Massachusetts and the seven men on the floor of the House who came from the District of Maine were technically representatives of the State of Massachusetts. Massachusetts had 13 representatives by law, but was it possible that Congress could take away 7 of her delegates and give them to the new State? And could Massachusetts by her consent give Congress power to do so? If she could, was that consent to be expressed by the legislature or by the whole people? Nevertheless, the bill was reported to the House and on January 3, 1820, was passed.†

Meanwhile a bill to the same effect had been reported in the Senate on December 22,‡ but further consideration

of it was postponed when the House bill was received. The House bill was referred to the Committee on the Judiciary and was soon reported back with amendments in the form of a rider by which it was provided that Missouri should be admitted at the same time as Maine, without restriction as to slavery. It was then moved that the bill be recommitted to the committee, with instructions to separate the two bills,\* and the debate on the matter began in earnest.† It was said that the two subjects in a single bill were totally distinct. Maine had framed her constitution, had received the consent of the State from which she was to be separated, and there was no dispute about her boundaries, her population, or the justness of her claim for admission. With regard to Missouri, however, nothing was definite — her population was not known precisely, her boundaries had not been definitely settled, and certain conditions under which she requested admission were repugnant to a large part of the whole country. The minute the Maine bill was passed, the State government would go into operation, whereas Missouri had yet to call her convention for the purpose of forming her constitution, which would then be subject to the rejection of Congress and might delay the admission of the State until the next session. In reply, it was said that while

\* *Annals*, p. 841; Benton, *Abridgment*, vol. vi., p. 474; Curtis (p. 202 *et seq.*) gives long extracts from the various speeches.

† *Annals*, pp. 846-849; Curtis, *Constitutional History*, vol. ii., p. 201.

‡ *Annals*, pp. 35-36.

\* *Annals*, pp. 54, 85.

† *Annals*, pp. 85-118; Benton, *Abridgment*, vol. vi., pp. 382-388.

the two bills differed in detail, these differences did not constitute a ground for separate consideration. If either State had a stronger claim than the other, the advantage lay with Missouri; for, while the Constitution provided that the new States might be admitted into the Union by Congress, that body was under obligation to admit Missouri, for a treaty is the supreme law of the land, and by the treaty under which Louisiana was acquired it was stipulated "that the inhabitants of the ceded territory shall be incorporated in the Union of the United States and admitted as soon as possible." Thus the terms were imperative and no conditions were annexed. Thereupon, on January 14, 1820, the Senate refused to separate the two bills by a vote of 25 to 18.\*

Roberts next moved that a proviso be added to the Missouri bill that "the further introduction in the said State of persons to be held to slavery or involuntary servitude within the same shall be absolutely and irrevocably prohibited."† During the following three weeks this matter was thoroughly discussed, although very few new arguments were advanced. The friends of Missouri claimed that they were not advocating slavery and had always supported any proposition which had for its object the suppression of the slave trade. They said

that the question was not whether slavery should be diminished, but whether it should be confined to its present limits; whether it should be diffused over a wide territory where, because of their fewness, the slaves might be brought within humanizing influences, or be confined to a very small area until the blacks should greatly outnumber the whites and drive them out of the country. They argued that, according to the Constitution, Congress had the power to admit States, but that nothing in that instrument could be construed as giving Congress power to impose any conditions it saw fit. Congress had but the power to admit or reject, and if it saw fit to admit a new State, that new State came in possession of all the sovereignty, freedom, and independence retained by the original States, including the right to organize her government as her people liked. The Constitution guaranteed further that the citizens of each State be entitled to all the privileges and immunities of the citizens of the several States, but if it were impossible for the citizens of other States to take slaves into Missouri, was not this guarantee under the Constitution violated? Was not the citizen who was prohibited from taking all his property into Missouri discriminated against and thereby denied the privileges of the citizens residing in the States? Again it was said that, while Congress had power to make all the needful rules and regulations for the

\* *Annals*, p. 118; Schouler, *United States*, vol. iii., p. 158; *Niles' Register*, vol. xvii., p. 347.

† *Annals*, p. 119; *Niles' Register*, vol. xvii., p. 404.



government of the Territories, it did not have the right to impose any restrictions on a State. Furthermore, the treaty of cession provided that the inhabitants of the ceded territory be admitted into the Union as soon as possible according to the principles of the Federal Constitution and granted all the rights, advantages, and immunities of the citizens of the United States. In the face of this promise, how could Congress refuse admittance to Missouri, much less forbid slavery, when under the Constitution it was the right of the citizens to own slaves?\*

The greatest speeches were delivered by William Pinkney, of Maryland, and by Rufus King, of New York — the former in defence of slavery† and the latter in behalf of freedom.‡ When Pinkney and King had

spoken and had been answered (February 1), the amendments proposed by Roberts were voted on and defeated by a vote of 27 to 16. The next day Senator Burrill, of Rhode Island, proposed a new amendment providing that the first three articles of compact in the Ordinance of July 13, 1787, be added to the Missouri bill.\* The next day (February 3), however, he withdrew this amendment to allow Senator Thomas, of Illinois, to introduce an amendment of a very different nature. This provided that in no part of Louisiana north of 36 degrees 30 minutes, except so much as was included in the State of Missouri, should slavery exist.† On the 7th, however, he withdrew this amendment so that he might present it in another form.‡ Thus nothing was left before the Senate but the amendment reported by the Judiciary Committee uniting the Maine and Missouri bills in one. This was then debated another week, and on February 16 the amendment was ratified by a vote of 23 to 21.¶ Immediately after the result was announced, Thomas moved that the sixth article of the Ordinance of 1787 should apply to the part of Louisiana north of 36 degrees, except that part which was to be included in

\* For a discussion of these points see Von Holst, *Constitutional and Political History*, vol. i., pp. 359-370. For the entire debate see *Annals*, pp. 119-255, 259-359; Benton, pp. 389-434. For other speeches see *Niles' Register*, vol. xviii., pp. 367-384, 403-412, 436-440, 453-458.

† Pinkney (*Life of Pinkney*, p. 291) disagrees with this statement. He says: "Pinkney stood up in defence of the Constitution. He stood by the States, maintained their original and indestructible equality, and denied that you 'could make the Union as to the new States what it is not as to the old.' He deprecated the introduction of such extraneous matter as had been unwisely forced into the discussion, and unwove the web so artistically woven by the Senator from New York. It was not a discussion on slavery at all. It was a bare, naked, constitutional question, and as such Mr. Pinkney treated it."

‡ See Moore, *American Eloquence*, vol. ii., pp. 44-51, 114-129; *Niles' Register*, vol. xviii., pp. 349-357; *The South in the Building of the Nation*, vol. ix., pp. 226-270. Pinkney, *Life of Pinkney*, pp. 292-337 (Pinkney's speech). See also

Rhodes, *United States*, vol. i., pp. 34-36; Quincy, *Memoirs of John Quincy Adams*, p. 99 *et seq.*; Turner, *Rise of the New West*, pp. 161-162.

\* *Annals*, pp. 360-361.

† *Annals*, p. 363; Benton, p. 435; Schouler, *United States*, vol. iii., p. 163.

‡ *Annals*, p. 367.

¶ *Annals*, pp. 374-423; Benton, pp. 435-450.

Missouri. Barbour, of Virginia, thereupon moved that 40 degrees be substituted for 36 degrees 30 minutes, but this was voted down by a large majority. Other attempts were made to amend the Thomas amendment, but in vain.\* The next day (February 17) Thomas withdrew this amendment and substituted the one he had withdrawn ten days before, which provided:

"That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be and is hereby forever prohibited; *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid."†

This amendment was then adopted by a vote of 34 to 10, and as thus amended the bill was passed (24 to 20)‡ and sent to the House of Representatives on February 19.¶

Meanwhile, after having passed the bill to admit Maine (which had now come back to it with the bill to admit Missouri as an amendment), the House on January 24, 1820, had taken under discussion a Missouri bill of its own. During the discussion Henry

Storrs, of New York, moved that there should be neither slavery nor involuntary servitude, except in the punishment of crime, north of the 38th degree and west of the Mississippi, except in Missouri; but on the 26th this motion was defeated.\* The same day John W. Taylor, of New York, moved as an amendment to the bill a section forbidding slavery to exist in Missouri but providing

"that any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed and conveyed to the person claiming his or her labor or service as aforesaid. And provided also that said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said territory."†

This bill was still under debate when the Maine-Missouri bill, with the Thomas compromise amendment, came from the Senate. It was at once proposed that the House disagree and for three days the subject was debated before the House (on February 23) stripped the Missouri rider from the Maine bill, threw out the Thomas amendment to the Missouri bill (by a vote of 159 to 18), and agreed to reconsider its own Missouri bill.‡ On February 28, however, the Senate, by votes of 23 to 21 and 33 to 11, refused to recede from its position and sent a message to the House insisting on the

\* *Annals*, p. 424.

† *Annals*, p. 427; Benton, p. 451.

‡ *Annals*, pp. 427-428; Benton, pp. 451-452.

¶ Wilson, *Rise and Fall of Slave Power*, vol. i., p. 143; Schouler, *United States*, vol. iii., p. 163; Williams, *Negro Race in America*, vol. ii., p. 17.

\* *Annals*, pp. 940-947; Benton, pp. 477-479.

† *Annals*, p. 947; *Niles' Register*, vol. xviii., p. 17.

‡ *Annals*, pp. 1405-1450, 1455-1457; Benton, *Abridgment*, vol. vi., pp. 553-557; Schouler, *United States*, vol. iii., p. 164.

amendments.\* But the House was equally firm and the same day, by a vote of 160 to 14, insisted on its disagreement.† Accordingly a conference committee was appointed to take the matter into consideration.‡ The House then again went back to their own bill for admitting Missouri, on March 1 passed it (with the restrictive amendment of Taylor) by a vote of 91 to 82, sent it to the Senate, and within twenty-four hours received it back again, stripped of the Taylor amendment (by a vote of 27 to 15) and with Thomas' tacked on.|| By this time, however, the conference committee was ready to present its report, which recommended three things: that the Senate should give up its attempt to unite the Maine and Missouri bills in one and that Maine should be admitted; second, that the House should no longer insist that slavery be prohibited in Missouri; and, third, that both Houses agree to pass the Senate bill which admitted slavery to Missouri but shut it from all the rest of the territory ceded by France to the United States north of 36 degrees and 30 minutes.§ When the roll was called

on the compromise measure (March 2), it was found that 90 had voted in favor and 87 against,\* so that by a margin of 3 votes Missouri was permitted to form a constitution without excluding slavery from her domain.† After this test of strength, the Thomas amendment was easily carried by a vote of 134 to 42.‡ Next day (March 3) the Maine bill passed the Senate on its merits|| and the two acts were sent at once to the President, that for the admission of Maine receiving his signature before night.§ Before placing his signature to the Missouri Act, however, Monroe summoned his Cabinet and asked them their opinion in writing on two questions. First, whether Congress had a constitutional right to prohibit slavery in the Territory; and second, whether the section of the Missouri bill which forbade slavery in the Territory north of 36 degrees and 30 minutes west of the Missouri applied to the territorial State alone, or was binding on the States formed out of that territory. To the first question Adams, Crawford, Calhoun, and Wirt answered yes; but regarding the second, Crawford, Calhoun, and Wirt

\* *Annals*, p. 457; Benton, p. 452.

† *Annals*, pp. 1552-1555. See also J. A. Woodburn, *The Historical Significance of the Missouri Compromise*, in *Report of the American Historical Association*, 1893, pp. 251-297.

‡ Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 143-147.

|| *Annals*, pp. 1458-1463, 1466-1489, 1491-1540, 1555-1567, 1572-1573; Schouler, *United States*, vol. iii., pp. 164-165; *Niles' Register*, vol. xviii., p. 27.

§ Williams, *Negro Race in America*, vol. ii., p. 18; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 143-147.

\* *Niles' Register*, vol. xviii., p. 29.

† *Annals*, pp. 1576-1587; Benton, *Abridgment*, pp. 567-570; Von Holst, *Constitutional and Political History*, vol. i., p. 372; Clay, *Life of Clay*, pp. 113-114.

‡ *Annals*, p. 1587; *Niles' Register*, vol. xviii., p. 30.

|| *Annals*, pp. 467-469, 471-472.

§ Schouler, *United States*, vol. iii., p. 166. The act is in Thorpe, *Federal and State Constitutions*, vol. iii., p. 1645; *Annals*, pp. 2555-2559.



thought the injunction applied only to the territorial condition, while Adams thought it applied to the State as well. Calhoun therefore suggested that the question be changed so as to read, "Is the Eighth Section of the Missouri bill consistent with the Constitution?" To this Monroe consented and a few days later the secretaries answered in writing; but as the papers have been lost, it cannot be known exactly what stand they took.\* Evidently it was favorable, for the bill was signed on March 6 and became law.†

The passage of the Missouri bill on March 2 and the Maine bill on March 3, and the approval of both by the President would seem to indicate that the struggle had ended, but the bitterest part of it was still to come. The convention for framing the constitution of Missouri met at St. Louis, June 12 to July 19, and the constitution then adopted was laid before Congress on November 14, 1820.‡ Instead of handling the slavery question with gloves, those who framed the constitution inserted two provisions which could not fail to arouse all the old animosities. One of these provisions for-

bade the legislature ever to pass a law emancipating slaves without their masters' consent; the other made it incumbent upon the General Assembly to forbid free negroes or mulattoes from entering the State under any pretext.\* The free-soilers fell upon these clauses with redoubled fury, reminding the pro-slavery men that it was a direct violation of the Constitution and that unless Missouri eliminated this odious discrimination from the constitution she would not be admitted.† In reply, it was declared that Missouri was already a State, as Congress had passed an enabling act on the only condition that she form a State government. This she had done and was therefore a State; and, as each State had the right to exclude obnoxious persons, Missouri had the right to incorporate the provision alluded to. But after much discussion, the House decided on December 13 by a vote of 93 to 79, that Missouri was

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\* Section 26. See also Schouler, *United States*, vol. iii., p. 180; *Niles' Register*, vol. xviii., p. 400; Williams, *Negro Race in America*, vol. ii., p. 19.

† Jefferson wrote: "This momentous question, like a fire bell in the night, awakened and filled me with terror. I considered it at once as the death knell of the Union. It is hushed, indeed, for the moment. But this is a reprieve only, not a final sentence. A geographical line, coinciding with a marked principle, moral and political, once conceived and held up to the angry passions of men, will never be obliterated; and every new irritation will mark it deeper and deeper."—Ford's ed. of *Jefferson's Writings*, vol. x., p. 157. In this connection, see also *Memoirs of John Quincy Adams*, vol. iv., pp. 530-531.

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\* See *Memoirs of John Quincy Adams*, vol. v., pp. 5-15; Benton, *Thirty Years' View*, vol. ii., p. 141; Quincy, *Memoir of John Quincy Adams*, p. 106 *et seq.*; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 148-149; Schouler, *United States*, vol. iii., pp. 167-168; McMaster, vol. iv., pp. 593-594.

† For text see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 2145-2148.

‡ *Annals of Congress*, 16th Congress, 2d session, pp. 10, 440. For text see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 2150-2167; *Niles' Register*, vol. xix., pp. 50-59.

not yet a State.\* It was then demanded: "If Missouri is not a State, what is she?" And, in order to bring the issue clearly before the House, it was moved on January 4 by Archer, of Virginia, that the Committee on the Judiciary be instructed to inquire as to the exact legal status of Missouri as regarding her relation to the United States. But this resolution was tabled by a vote of 91 to 58.† For two weeks the subject was dropped, but on January 24 a resolution was introduced by William Eustis, of Massachusetts, providing that Missouri should be admitted if the objectionable clauses were expunged from the constitution.‡ On the same day, however, the House voted this down (146 to 6)|| and heard nothing more from Missouri until January 29, when the Senate sent down a bill coupled with a most discreditable proposition. This was that "nothing herein contained shall be so construed as to give the assent of Congress to any provision in the Constitution of Missouri (if any such there be) which contravenes that clause of the Constitution of the United States, which declares that the citizens of each State shall be entitled

to all the privileges and immunities of the citizens of the several States." This was debated day after day until February 2 without any agreement being reached.\* On that day Clay moved that the matter be referred to a select committee of 13.† On the committee were eight members from the free States and five from the slave States‡—men coming from every section of the country and holding every shade of political opinion. Henry Clay was the chairman.|| On February 10 this committee presented its report naming two conditions on which Missouri should be declared admitted.§ First, that no law was ever to be passed preventing any person from going to or settling in Missouri; second, that the legislature of Missouri was to pass an act to this effect which should be transmitted to the President. This done, President Mon-

\* *Annals*, pp. 982-995, 1001-1002, 1006-1027; Benton, pp. 83-86, 88-92.

† Clay, *Life of Clay*, pp. 118-119; *Niles' Register*, vol. xix., p. 399; Schouler, *United States*, vol. iii., p. 183.

‡ McMaster, vol. iv., pp. 596-597; Schouler (p. 183) says seven Northerners and six Southerners. The Committee consisted of Clay, Eustis, of Massachusetts, Samuel Smith, of Maryland, John Sergeant, of Pennsylvania, William Lowndes, of South Carolina, William D. Ford, of New York, J. W. Campbell, of Ohio, William S. Archer, of Virginia, Aaron Hackley, of New York, S. Moore, of Pennsylvania, Thomas W. Cobb, of Georgia, Gideon Tomlinson, of Connecticut, Josiah Butler, of New Hampshire. See *Niles' Register*, vol. xix., p. 399.

|| Schurz, *Life of Clay*, vol. i., p. 187; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 158-159.

§ *American State Papers*, Miscellaneous, vol. ii., p. 655-656; *Niles' Register*, vol. xix., pp. 402-403; *Annals*, pp. 1078-1080.

\* *Niles' Register*, vol. xix., p. 256; *Annals of Congress*, 16th Congress, 2d session, pp. 453-455, 508-575, 580-640, 643-670; Benton, *Abridgment*, vol. vii., pp. 12-50; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 153-158.

† *Annals*, pp. 735-742, 797, 802.

‡ Schouler, *United States*, vol. iii., p. 182; *Niles' Register*, vol. xix., p. 366.

|| *Annals*, pp. 942-944; McMaster, vol. iv., p. 596.

roe would declare Missouri a State of the Union by proclamation.\* Still the majority would not yield and the Senate resolution, together with the amendment offered by the committee of 13 was defeated on the 12th by a vote of 83 to 80.† The excitement was now intense, and the members absent when the roll was called hurried to the Capitol and asked that their votes be recorded.‡ This required unanimous consent, and as that could not be secured, a struggle for reconsideration ensued, which continued until the motion was defeated by a majority of six, the vote standing 88 to 82.||

This was on the eve of the day fixed for counting the electoral vote. Believing that she was a State, Missouri had used her right to cast an electoral vote, had chosen electors, and in the usual way had sent a certified copy to the President of the Senate. As the time drew near when the vote was to be canvassed, and as the matter of admission was still as far from settlement as ever, the House and the Senate agreed to a plan by which, it was hoped, contention might be avoided. As her vote would not affect the re-

sult of the election in any way, it was decided that, in case the vote of Missouri was contested, the President of the Senate, when announcing the ballot, should first state what the result would be if her vote were counted, then what it would be if not counted, and finally declare: "But in either case A. B. is elected President of the United States."\*\* When the two Houses convened for this ceremony, the ballots were opened and recorded by the clerk of the House. At this time the order of roll call was partly geographical and partly according to the time of admission, so that Missouri came last on the list. The President had no sooner read her vote than Livermore, of New Hampshire, objected to this vote being received because Missouri was not a State in the Union.† Some one seconded the objection and a great clamor arose. Finally the voice of a Senator was heard above the din, calling upon the Senate to withdraw, which was done, and the House was left to wrangle as it pleased. The latter body continued in disorder for more than an hour, and after it had quieted down, Floyd, of Virginia, moved "that Missouri is one of the States of this Union and her votes for President and Vice-President ought to be received and

\* Clay, *Life of Clay*, pp. 119-120; Schurz, *Life of Clay*, vol. i., p. 188.

† *Annals*, pp. 1093-1117; Benton, *Abridgment*, vol. vii., pp. 100-104. Mrs. Archibald Dixon, *The Missouri Compromise and Its Repeal*, p. 110; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 159; *Niles' Register*, vol. xix., pp. 411-412.

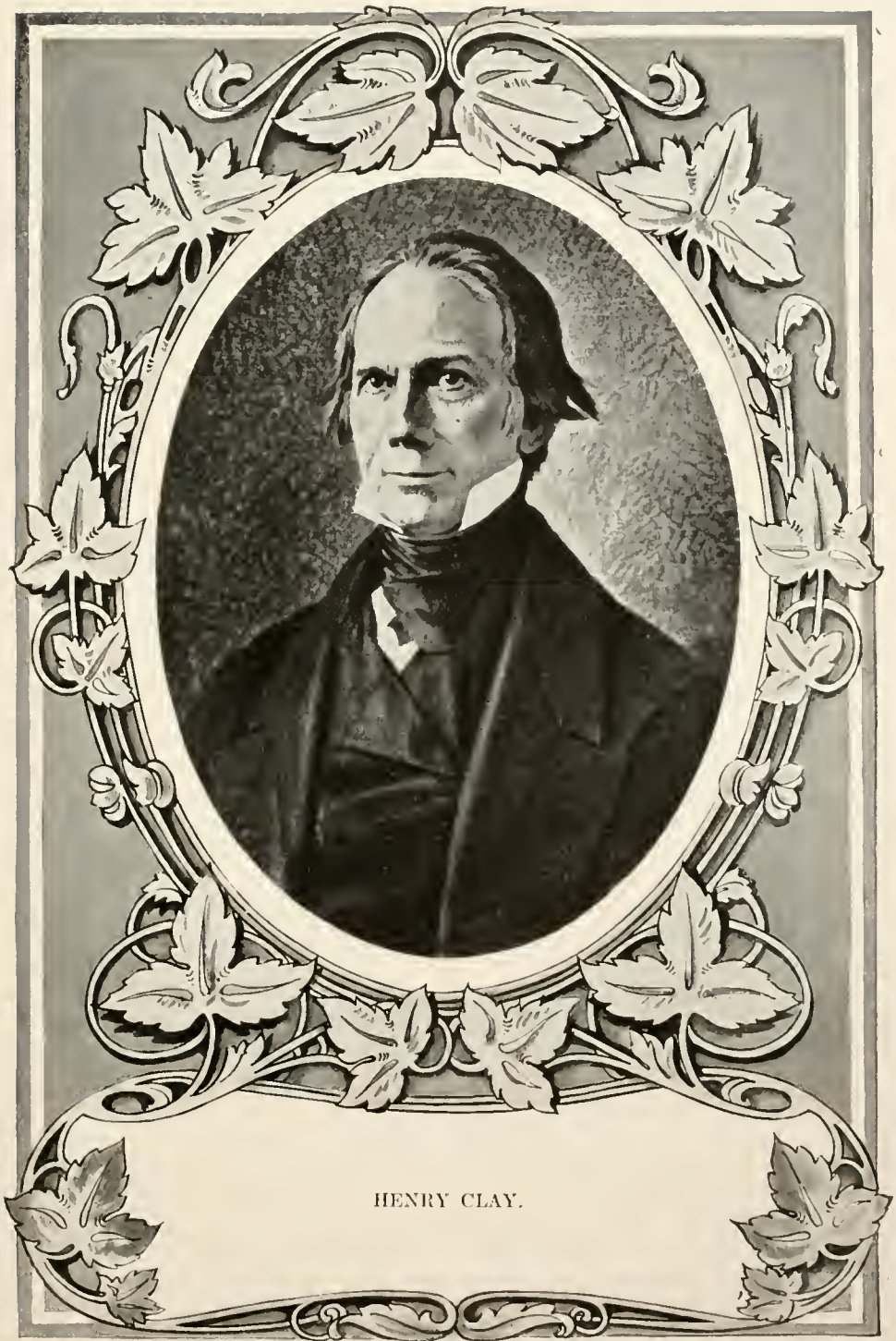
‡ *McMaster*, vol. iv., p. 597.

|| *Niles' Register*, vol. xix., p. 413; *Annals*, pp. 1118-1146; Benton, pp. 104-113; Clay, *Life of Clay*, pp. 120-121; Schouler, *United States*, vol. iii., p. 184.

\* Stanwood, *History of Presidential Elections*, p. 72; Schurz, *Life of Clay*, vol. i., p. 190. See also *Annals of Congress*, 16th Congress, 2d session, pp. 341-343, 1147-1153.

† *Annals*, p. 1154; Benton, p. 116; Stanwood, p. 73; Schouler, *United States*, vol. iii., p. 184.





HENRY CLAY.

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counted.'\* Clay succeeded in getting this motion tabled† and finally discussion of the matter was dropped, and the Senate was requested to return so that the count of the electoral vote might be continued. Again, as the President of the Senate began to announce the result in the manner agreed to by the House, Floyd and Randolph interrupted to ask whether the votes of Missouri had or had not been counted. After much disorder, Monroe and Tompkins were declared elected President and Vice-President of the United States.‡

On February 16 Jonathan Roberts, of Pennsylvania, introduced a resolution in the Senate to admit Missouri on condition that the clause in dispute be struck from her constitution,|| but again this effort failed. On the 15th Robert Clark, of New York, introduced a similar resolution in the House, but it was tabled.§ As Congress must adjourn on March 4, it was seen that if Missouri were to be admitted at this session it must be done quickly. Nevertheless, it was not until the 22d that the matter was again considered, when a motion was made to repeal the enabling act. As this was a new and unexpected phase

of the question, Clay became alarmed and proposed that a joint committee be appointed to take the matter under consideration.\* This was agreed to by a vote of 101 to 55,† and on the following day the House committee of 23, with Clay at the head, was chosen.‡ The Senate, by a vote of 29 to 7, acceded to the plan and appointed John Holmes, of Maine, James Barbour, Roberts, David L. Morril, of New Hampshire, Samuel L. Southard, of New Jersey, R. M. Johnson, of Kentucky, and Rufus King.|| A report similar to the one presented by the committee of 13 was handed down and immediately rejected:

"Resolved, That Missouri shall be admitted into this union, on an equal footing with the original States, in all respects whatever, upon the fundamental condition that the fourth clause of the twenty-sixth section of the third article of the constitution, submitted on the part of said State to Congress, shall never be construed as to authorize the passage of any law, and that no law shall be passed in conformity thereto, by which any citizen of either of the States in this union shall be excluded from any of the privileges

\* Schurz, *Life of Clay*, vol. i., pp. 191-192; McMaster, vol. iv., p. 600.

† *Niles' Register*, vol. xix., p. 430; *Annals*, p. 1219; Schouler, *United States*, vol. iii., p. 185.

‡ *Clay, Life of Clay*, p. 122; Sargent, *Life of Clay*, p. 93; *Niles' Register*, vol. xx., p. 12. The committee consisted of Clay, Thomas W. Cobb, of Georgia, Mark L. Hill, of Maine, Barbour, of Virginia, Storrs, of New York, John Cocke, of Tennessee, Christopher Rankin, of Tennessee, Archer, of Virginia, William Brown, of Kentucky, Samuel Eddy, of Rhode Island, William D. Ford, of New York, Thomas Culbreth, of Maryland, Aaron Hackley, of New York, S. Moore, of Pennsylvania, James Stevens, of Connecticut, and Rogers, of Pennsylvania. See *Annals*, p. 1223; Benton, p. 128.

|| *Annals*, p. 382; Benton, pp. 710-711; Schouler, *United States*, vol. iii., p. 186.

\* *Niles' Register*, vol. xix., p. 414; *Annals*, p. 1154.

† *Annals*, pp. 1155-1163; Benton, pp. 116-121; Schurz, *Life of Clay*, vol. i., p. 191.

‡ *Annals*, p. 1164; Stanwood, pp. 73-74; McMaster, vol. iv., pp. 598-600; Schouler, *United States*, vol. iii., pp. 184-185.

§ *Annals*, pp. 351-355, 360-364; Schouler, *United States*, vol. iii., p. 185.

§ *Annals*, pp. 1166-1167.



and immunities to which such citizen is entitled under the constitution of the United States:—

"*Provided*, That the legislature of the said State, by a solemn public act, shall declare the assent of the said State to the said fundamental condition, and shall transmit to the President of the United States, on or before the fourth Monday in November next, an authentic copy of the said act, upon receipt whereof the President, by proclamation, shall announce the fact; hereupon, and without any further proceeding on the part of Congress, the admission of the said State into this union shall be considered as complete."\*

After another conflict, this was agreed to by the House on February 26, by a vote of 87 to 81;† the Senate

agreed to the report on the 28th by a vote of 28 to 14,\* and on March 2 the resolution was approved.† This provided that when the State legislature should assent to this fundamental condition, the President was to declare her admitted.‡ This condition was accepted by the Missouri legislature on June 26, 1821,|| and on August 10, 1821, President Monroe issued a proclamation declaring Missouri to be a State.§ Thus the long struggle over Missouri passed into history. ¶

## CHAPTER XXXIII.

1823-1825.

### THE MONROE DOCTRINE.

Policies of Washington, Adams and Jefferson — Formation of the "Holy Alliance" — The downfall of Liberalism — The quadruple treaty and the congress at Aix-la-Chapelle — Sympathy of the Americans — Monroe's policy — The rise of Liberalism in Europe — The meeting at Troppau — The revolution in Spain — Clay's speeches regarding the South American struggle — Action of Congress respecting recognition — Protest of the Spanish minister and Adams' reply — Cabinet discussions of the South American situation — The congress at Verona — England's attitude toward recognition — Advice of Jefferson and Madison — Opinions of the Cabinet members — Monroe's message enunciating the Doctrine — Reception accorded the message — Clay's attitude.

The refusal of Great Britain to come to an agreement regarding the Oregon boundary may be ascribed in part to her denial of Monroe's principles of colonization. In 1793, when France declared war on Great Britain, the United States was called upon to decide what part she would play in European politics. To France the United States was bound by ties of

gratitude and by treaties of amity and commerce and of alliance. With

\* *Annals*, p. 390; Benton, p. 711.

† *Niles' Register*, vol. xx., p. 301; Quincy, *Memoir of John Quincy Adams*, pp. 116-117; Clay, *Life of Clay*, p. 124.

‡ For text see Thorpe, *Federal and State Constitutions*, vol. iv., pp. 2148-2149.

|| For text see *Niles' Register*, vol. xx., pp. 388-389.

§ Richardson, *Messages and Papers*, vol. ii., p. 95-96; Thorpe, vol. iv., pp. 2149-2150. See also Schurz, *Life of Clay*, vol. i., p. 183; Benton, *Thirty Years' View*, vol. i., p. 8; Schouler, *United States*, vol. iii., pp. 186-187.

¶ For other phases of the dispute, see James A. Woodburn, *The Historic Significance of the Missouri Compromise*, in *Annual Report of the American Historical Association*, 1893, pp. 251-297 (1894); Lucien Carr, *Missouri*, chaps. vii.-viii.

\* *Niles' Register*, vol. xx., p. 13; *Annals*, p. 1228; Adams, *Lives of Madison and Monroe*, pp. 346-347.

† *Niles' Register*, vol. xx., p. 14; *Annals*, pp. 1236-1240. Some say the vote was 86 to 82, but this was on the question of the third reading.

Great Britain there was no treaty of amity and commerce, nor was the country bound by ties of gratitude. But Washington refused to be swayed by sentiment and, taking the politic course, issued his proclamation of neutrality. For this, as we have seen, he was roundly denounced, but he held fast to his purpose, and upon retiring from office reasserted the policy of maintaining ourselves free from further European entanglements, stating in his Farewell Address his reasons for taking this position.\*

The wisdom of Washington's policy was proven by the expulsion of Pinckney from France, by the course of the Directory in respect to the X. Y. Z. mission, and by the naval war with France, etc.† In his address to Congress, May 16, 1797, President Adams said:

"Although it is very true that we ought not to involve ourselves in the political system of Europe, but to keep ourselves always distinct and separate from it if we can, yet to effect this separation, early, punctual, and continual information of the current chain of events and of the political projects in contemplation is no less necessary than if we were directly concerned in them. It is necessary, in order to the discovery of the efforts made to draw us into the vortex, in season to make preparations against them. However we may consider ourselves, the maritime

and commercial powers of the world will consider the United States of America as forming a weight in that balance of power in Europe which never can be forgotten or neglected."\*

On more than one occasion Jefferson endorsed Washington's policy. In his inaugural address, on March 4, 1801, he said:

"Kindly separated by Nature and a wide ocean from the exterminating havoc of one quarter of the globe; too high-minded to endure the degradations of the others; possessing a chosen country with room enough for our descendants to the thousandth and thousandth generation; entertaining a due sense of our equal right to the use of our own faculties, to the acquisition of our industry, to honor and confidence from our fellow citizens, resulting not from birth, but from our actions and their sense of them; enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence, which by all its dispensations proves that it delights in the happiness of man here and his greater happiness hereafter—with all these blessings, what more is necessary to make us a happy and prosperous people? \* \* \* It is proper you should understand what I deem the essential principles of our Government, and consequently those which ought to shape its administration, \* \* \* peace, commerce, and honest friendship with all nations, entangling alliances with none."†

On March 18, 1801, he wrote to Thomas Paine:

"Determined as we are to avoid, if possible, wasting the energies of our people in war and destruction, we shall avoid implicating ourselves with the powers of Europe, even in support of principles which we mean to pursue. They have so many other interests different from ours that we must avoid being entangled in them."‡

\* See Volume iv., p. 305 of this History and the references for text on p. 290 of same volume.

† Moreover, Congress recognized the necessity of giving legal force to the principles of Washington's proclamation of neutrality and on June 5, 1794, passed a neutrality act, which was continued by the act of 1797, and made permanent by the act of 1800. See Snow, *Treaties and Topics in American Diplomacy*, pp. 248-249.

\* Richardson, *Messages and Papers*, vol. i., p. 238.

† *Ibid.*, vol. i., p. 323.

‡ Washington's ed. of *Jefferson's Works*, vol. iv., p. 370.

On October 3, 1801, he wrote to William Short:

"We have a perfect horror at everything like connecting ourselves with the politics of Europe. It would indeed be advantageous to us to have neutral rights established on a broad ground; but no dependence can be placed in any European coalition for that. They have so many bye-interests of greater weight, that some one or other will always be bought off. To be entangled with them would be a much greater evil than a temporary acquiescence in the false principles which have prevailed. \* \* \* The interest which European nations feel, as well as ourselves, in the mutual patronage of commercial intercourse, is a sufficient stimulus on both sides to insure that patronage. A treaty contrary to that interest renders war necessary to get rid of it."\*

When Jefferson uttered these words Napoleon was fast accomplishing the pacification of Europe. In December of 1803 the Napoleonic wars were on and again the United States was compelled to declare her position toward Europe. In his annual message of October 17, 1803, Jefferson again asserted the principle of entangling alliances with none, saying: "Separated by a wide ocean from the nations of Europe and from the political interests which entangle them, together with productions and wants which render our commerce and friendship useful to them and theirs to us, it cannot be the interest of any to assail us nor ours to disturb them."†

Thus the principle that we would not meddle in European affairs had several times been announced. Before the days of the long Embargo and

our struggle for commercial independence, the principle that European nations must not become entangled in the affairs of the New World was called forth when Spain attempted to reestablish her power in America. After the abdication of Napoleon in 1815, Alexander of Russia attempted to persuade his fellow monarchs to rule in accordance with Christian principles (as the monarchs themselves interpreted them). In order to accomplish this more easily, the Czar persuaded Frederick William of Prussia and Emperor Francis of Austria to join him in a league, called the "Holy Alliance," and to sign a treaty the purpose of which is commonly supposed to have been to stamp out liberal ideas and to overthrow constitutional government.\* Considering themselves "Delegates of Providence," these monarchs intended "to govern so many branches of the same family according to the teachings of Christ, who should be their guide in establishing human institutions and remedying their imperfections." When the Alliance had been formed, all the Christian powers of Europe, save the Pope, were invited to join it. France, Spain, Naples, and Sardinia gladly signed the treaty, but England, considering Alexander's mind unsound, excused herself.† The chief in-

\* Washington's ed. of Jefferson's *Works*, vol. iv., p. 414.

† Richardson, *Messages and Papers*, vol. i., p. 361. See also Gilman, *Life of Monroe*, p. 162 *et seq.*

\* Henderson, *American Diplomatic Questions*, pp. 306-307. The text will be found in Chadwick, *Relations of the United States and Spain*, pp. 157-158, notes; Snow, *Treaties and Topics in American Diplomacy*, pp. 243-245.

† McMaster, vol. v., p. 32.



terest attaching to this Holy Alliance is the fact that to it have been wrongfully attributed results which sprang from the quadruple treaty signed March 25, 1815 (and reaffirmed, with some additions, November 20, 1815) by Great Britain, Austria, Russia, and Prussia. This new alliance was formed to exclude Napoleon from power forever, to maintain the government recently established in France, to resist any attack on the army of occupation, and to meet in 1818 to devise such measures as would best conserve European peace and happiness.\*

Prior to 1818, however, a reaction had set in and liberalism was checked. Absolutism again become fashionable, and before long the members of the Holy Alliance were hard at work stamping out popular government. Austria was the centre of the reactionary movement, beginning the work in Naples under Metternich. Ferdinand, King of Sicily, had been compelled in 1813 to promise a constitution to Naples, but after his restoration to the throne by the allies, Metternich persuaded him to sign a treaty forbidding the introduction of liberal ideas and promising to maintain the kingdom in its present condition.† Ferdinand adhered to his promises and constitutional government in Sicily and Naples failed. The

reaction in Spain was popular. When Ferdinand VII. crossed the Pyrennes in 1814 a burst of loyalty swept over that country. The king was urged to restore past conditions, to overthrow the Constitution, and to set up the old monarchy. Little urging was required, and on May 11, 1814, a manifesto was issued destroying the constitution of 1812\* and declaring the decrees of the Cortes null and void. The censorship of the press was then restored and a number of liberal leaders were arrested. Mobs began to appear in various parts of the country, and those who had been instrumental in establishing the constitution were imprisoned. Great Britain protested, but the king was under the influence of palace favorites, priests and confessors, and the ignoble work continued. The monasteries were reestablished, the clergy were exempted from taxation, and later the Spanish Inquisition was put into operation.†

The reaction in France broke out with great fury after the battle of Waterloo. At Marseilles a royalist mob sacked the quarters of the Mamelukes, drove out the garrison, and murdered the citizens. Nîmes was pilaged. At Avignon Marshal Brune was murdered, and at Toulouse General Ramel was assassinated. A new proscription and a new emigra-

\* Henderson, *American Diplomatic Questions*, p. 306; Snow, *Treaties and Topics in American Diplomacy*, pp. 237-238. See also the "Declaration" in *Niles' Register*, vol. viii., pp. 159-160.

† Henderson, p. 309.

\* This constitution will be found in *Niles' Register*, vol. xviii., pp. 196-212.

† McMaster, vol. v., pp. 33-34; Henderson, *American Diplomatic Questions*, p. 309.

tion began after the Chamber of Deputies was chosen. Ney was shot, Labédoyère was executed, royalist committees sprang up in every department, and thousands of Liberalists were driven away. On May 22, 1815, Frederick William had promised that Germany should have a constitution and a representative assembly, but two years had passed before the work was begun, and then it was too late, for the reaction had come and the only defenders of the constitution were the journalists, the professors and students of the universities; and in 1817 Frederick William began to doubt the expediency of granting the promised liberty. Alexander of Russia, however, adhered to his promises, and erected the Duchy of Warsaw into the Kingdom of Poland, gave it a constitution and a representative assembly, and in the spring of 1818 summoned the Diet. The speech made to this body stamped Alexander as a most advanced Liberal; yet, before the end of the session, a great change was noticeable. In October of 1818, when he met the sovereigns and ministers at the conference of the powers, some influence was brought to bear on him which greatly changed his attitude toward Liberalism, and he became and remained a despot until he died.

The quadruple treaty signed by England, Austria, Prussia, and Russia in 1815 bound these nations to maintain the government set up in France and to hold a congress of the powers

in 1818. In the fall of that year they met at Aix-la-Chapelle, where the "Conspiracy of Kings" was formulated.\* The allies declared that the tranquillity of Europe depended largely upon their united action and watchfulness and that they had "no other object than the maintenance of peace, and the guarantee of those transactions on which the peace was founded and consolidated. \* \* \*

The repose of the world will be constantly our motive."† The reactionary movement of the three previous years had extinguished in their breasts the last trace of Liberalism, and all stood together on the common ground of hatred of popular liberty. It was this conference which turned the Holy Alliance into a mutual association for the regulation of European politics.‡ The Emperor of Russia was disappointed because the treaty was not more definite, he having desired an "explicit, universal, and reciprocal guarantee." Its very vagueness and harmlessness appealed to the British cabinet, who feared there might be something in these acts which would be difficult to explain in Parliament. Canning was opposed to the whole scheme of the European

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\* Chadwick, *Relations of the United States and Spain*, pp. 160-163. See also Gallatin's *Writings*, vol. ii., pp. 87-88, 90-93.

† Snow, *Treaties and Topics in American Diplomacy*, p. 238.

‡ Henderson, *American Diplomatic Questions*, p. 310.

alliance. Writing to Castlereagh, October 20, 1818, Bathurst said:

"He [Canning] does not consider the ninth article as having been generally understood to apply to any meetings except for the purpose of watching the internal state of France as far as it may endanger the public tranquillity. He thinks the system of periodical meetings of the four great powers, with a view to the general concerns of Europe, new, and a very questionable policy; that it will necessarily involve us deeply in all the politics of the continent, whereas our true policy has always been not to interfere except in great emergencies, and then with a commanding force. He thinks that all other states must protest against such an attempt to place them under subjection; that the meetings may become a scene of cabal and intrigue; and that the people of this country may be taught to look with jealousy for their liberties, if our court is engaged in meetings with great despotic monarchs, deliberating upon what degree of revolutionary spirit may endanger the public security, and therefore require the interference of the alliance."

Almost immediately upon the consummation of this compact action became imperative. For several years past the Spanish colonies in America had been in a state of revolt and every repressive measure had proven abortive.\* When the nation was exhausted by the struggle, Ferdinand turned to the European sovereigns for aid in the expectation that, as they had restored to him his throne, they would also restore him his colonies. Great Britain was requested to undertake the work of subjugation single-handed, but refused to do more than mediate. Alexander finally came to the relief of Ferdinand and sold him a fleet (five ships of the line and three frigates, costing \$10,500,000), but on reaching Cadiz,

the ships were found to be so rotten and unseaworthy that not one was fit to cross the Atlantic.\* Hence the expedition was put off, and when the congress met at Aix-la-Chapelle the condition of the people was laid before the sovereigns. It was proposed that a conference between Spain and the powers should be held at Madrid and that Wellington should preside; but as Spain wanted troops, not advice, this proposition was rejected.

It was only natural that the people of America should sympathize with the Spanish colonies in their struggle for independence; and when it became evident that the chief object of Spain was not to put down the rebellion, but to stamp out liberal ideas, the people of the United States could not witness the gallant struggle with indifference. When Monroe delivered his inaugural address on March 4, 1817, he voiced the sentiment of a large portion of the American people when he said:

"Dangers from abroad are not less deserving of attention. Experiencing the fortunes of other nations, the United States may again be involved in war, and it may, in that event, be the object of the adverse party to upset our government, to break our union, and to demolish us as a nation. Our distance from Europe and the just, moderate and pacific policy of our government may form some security against these dangers, but they ought to be anticipated and guarded against."†

Until an attack was made, however, it was our policy to maintain strict

\* Chadwick, *Relations of the United States and Spain*, p. 166.

† Richardson, *Messages and Papers*, vol. ii, p. 7.

\* Schouler, *United States*, vol. iii., p. 25 *et seq.*



neutrality, and in all his annual messages Monroe reiterated this principle.\* Even when it became known that Spain would ask the Holy Alliance to aid her, the President, unable to believe that force would be used, still clung to non-intervention, saying in his message of November 16, 1818:

"It appears that the allies have undertaken to mediate between Spain and the South American provinces, and that the manner and extent of their interposition would be settled by a Congress which was to have met at Aix-la-Chapelle in September last. From the general policy and course of proceedings observed by the allied powers in regard to this contest, it is inferred that they will confine their interposition to the expression of their sentiments, abstaining from the application of force. \* \* \* From the views taken of this subject, founded on all the information that we have been able to obtain, there is good cause to be satisfied with the course hitherto pursued by the United States with regard to this contest, and to conclude that it is proper to adhere to it, especially in the present state of affairs."†

The Alliance, however, left Spain to manage her colonies in her own way, and in the summer of 1819 a so-called army was organized to be sent to America, but before it could set sail yellow fever broke out and the troops were sent to encampment. While there they were won over to the cause of constitutional government, and early in January of 1820 revolted and refused to embark.‡

\* Richardson, *Messages and Papers*, vol. ii., *passim*. See also Henderson, *American Diplomatic Questions*, pp. 302-303.

† Richardson, *Messages and Papers*, vol. ii., p. 44; *Annals of Congress*, 15th Congress, 2d session, pp. 15-16; Benton, *Abridgment*, vol. vi., p. 182.

‡ Snow, *Treaties and Topics in American Diplomacy*, p. 240. See also the letters in *Niles' Register*, vol. xviii., pp. 1-2.

This rebellion in itself was of small consequence, but it stirred up others, and on February 20 the garrison and people of Corunna proclaimed the constitution.\* Town after town followed their example, and finally, in great alarm, Ferdinand announced his willingness to assemble the Cortes. The people, however, mistrusted him and, filling the great squares of Madrid, clamored for the immediate establishment of the constitution. The king then receded from his position and agreed to take the oath to support the constitution. On March 8 the prison of the Inquisition was sacked, the political prisoners set free, and the instruments of torture broken to pieces. On the 9th the king's palace was entered by a mob, the king was forced to make good his promise, and constitutional government was again a fact in Spain. The members of the Holy Alliance were uncertain as to the proper policy. Alexander believed that the powers should compel the Cortes to disavow the revolution and pledge their obedience to the king. England refused to join in such a move, and the first attack on Spanish liberty by the Alliance was postponed.

Liberalism now began to rise throughout Europe. In Naples the Carbonari began an armed rebellion, forced Ferdinand to proclaim the constitution of Spain as the supreme law of the two Sicilies, and in July

\* McMaster, vol. v., pp. 37-38.

of 1820 he took the oath to support it.\* In September of 1820 the regency of Portugal was deposed and a Cortes elected to frame a constitution.† It seemed not unlikely that France, too, would throw off the yoke of absolutism, but King Louis requested another meeting of the powers, and on October 9, 1820, the Emperor of Austria, the Czar of Russia, and the King of Prussia, and an ambassador from England met in the little town of Troppau in Moravia. Two envoys were sent by France, but they soon began to quarrel and the influence of France counted for nothing. The English ambassador had been instructed to take no part in the proceedings, but merely to look on,‡ and thus the three founders of the Alliance were free to act as they pleased.¶ Hence they agreed to send a summons through Ferdinand that the Neapolitans should abandon their constitution or fight, and a circular letter was sent to the courts of Europe calling attention to the danger and wickedness of these rebellions and explaining and defending the new doctrine of armed intervention.§ As Naples presented the greatest danger, it was decided to act against her first. The deliberations were transferred to Laybach, where

the final arrangements were made to intervene in Neapolitan affairs.\* In accordance with the summons of the Alliance and with the consent of the Neapolitan parliament, King Ferdinand went to Laybach in January of 1821. Upon his arrival he was informed that, unless the existing order of things was abolished immediately, the Austrian army would be sent against Naples.† The Neapolitan parliament refused to consider such action and ordered preparations to be made for defending the State.‡ The people rushed to arms and, joined by the army, clamored for the constitution.¶ Ferdinand abdicated on January 28, 1821, and returned to Sicily,§ but an army of 85,000 Austrians entered Naples on March 23, 1821, crushed the republican uprisings throughout the country, and restored Ferdinand to the throne.¶ On May 12, 1821, before the three monarchs separated, they issued a circular letter declaring that, as they had "taken the people of Europe under their holy keeping," henceforth all "useful and necessary changes in the legislation and administration of states must emanate alone from

\* Snow, *Treaties and Topics in American Diplomacy*, p. 240.

† Chadwick, p. 172.

‡ See the "Declaration" in *Niles' Register*, vol. xx., p. 149.

¶ *Niles' Register*, vol. xx., p. 151.

§ The text of his abdication is in *Niles' Register*, vol. xx., p. 170.

¶ *Niles' Register*, vol. xx., pp. 188-189, 221-223; Snow, *Treaties and Topics in American Diplomacy*, p. 241.

\* *Niles' Register*, vol. xix., pp. 24-25, 45-46.

† *Ibid.*, vol. xix., pp. 95, 141, 151, 201.

‡ Chadwick, *Relations of the United States and Spain*, pp. 170-171.

¶ Henderson, *American Diplomatic Questions*, p. 311.

§ Chadwick, *Relations of the United States and Spain*, p. 171; *Niles' Register*, vol. xx., p. 31.

the free will, the reflecting and enlightened impulse of those whom God has rendered responsible for power.”\*

In March of 1820 the success of the revolution in Spain became known in the United States, and the news caused great delight. The struggle of the South American republics† became more and more popular in the United States and found no warmer champion in the country than Henry Clay. He did more, perhaps, than any one else to arouse a sentiment in their favor and to bring about their early recognition by the United States. Clay expressed his sympathy with the South American republics in the House of Representatives in January of 1816 and again in his speech on the Neutrality bill on January 24, 1817; but his greatest speech on this subject was that on the “Emancipation of South America,” delivered on March 24, 1818. In the autumn of 1817 Monroe had appointed three commissioners to obtain information respecting the Spanish-American colonies.‡ On March 24, 1818, when the bill appropriating money for the expenses of this commission came up in Congress, Clay

offered an amendment providing an additional sum for one year’s salary and an outfit to a minister to the United Provinces of Rio de la Plata,\* asserting that there was “no question in the foreign policy of this country, which has ever arisen, \* \* \* in the decision of which we have had or can have so much at stake”—meaning the establishment of the independence of South America.† Though this amendment was rejected by a vote of 115 to 45, Clay introduced a resolution in the House on April 4, 1820, and on May 10 carried it by a vote of 80 to 75.‡ This resolution was as follows:

“That it is expedient to provide by law a suitable outfit and salary for such Minister or Ministers as the President, by and with the advice and consent of the Senate, may send to any of the governments of South America which have established and are maintaining their independence of Spain. ||

Monroe sent no such ministers, as he wished to give Ferdinand no excuse to withhold his signature from the treaty of 1819, then before that monarch for ratification. But Clay was not to be swerved from his purpose, and on February 6, 1821, moved that an appropriation be made to

\* Schouler, vol. iii., pp. 32-33.

† For the speech see Colton, *Life of Clay*, vol. i., p. 216 *et seq.*; *Niles’ Register*, vol. xiv., pp. 121-130. For Forsyth’s speech see *Niles*, vol. xiv., pp. 156-165. For the entire debate see *Annals of Congress*, 15th Congress, 1st session.

‡ *Annals of Congress*, 16th Congress, 1st session, pp. 1781, 2223-2230; Chadwick, *Relations of the United States and Spain*, p. 152.

|| Snow, *Treaties and Topics in American Diplomacy*, p. 256.

\* *Niles’ Register*, vol. xx., pp. 313-367; Henderson, *American Diplomatic Questions*, p. 312; Schouler, *United States*, vol. iii., p. 279.

† For details of which see F. L. Paxson, *Independence of the South American Republics*, (1903).

‡ These were Caesar A. Rodney, Theodorick Bland, and John Graham. See Schouler, *United States*, vol. iii., p. 28.



send a minister or ministers to South America.\* This resolution was defeated on February 9 by a small majority (86 to 79),† and then he brought up another resolution that the House share with the people of the United States in the deep interest they felt for the Spanish provinces in their struggle for independence and liberty, and that when the proper time came to recognize the sovereignty and independence of any one of them, the House would give such a measure its support. As the treaty with Spain had been ratified and as the passage of this resolution could do no harm, the House passed the first part of the resolution expressing sympathy by a vote of 134 to 12 and the second part tendering constitutional support by a vote of 87 to 68.‡ Monroe was not to be driven by Clay, however, and allowed a year to pass before (on March 8, 1822) he recommended recognition.||

Meanwhile the House had become weary with Monroe's dilatoriness and on January 30, 1822, passed a resolution requesting that the President submit all the information in

his possession concerning political conditions in the Spanish provinces in South America and the state of the war between them and the mother country.\* When he submitted the papers on March 8, 1822, the President gave a lengthy review of the revolts and declarations of independence, and expressed the opinion that the independence of these republics should be recognized. He suggested also that an appropriation be made for the expenses of ministers to those republics.† On April 26 a report from Adams was submitted giving other details of these events.‡ With but one dissenting vote, the House on April 11 concurred in Monroe's sentiments, and \$100,000 was appropriated.|| On April 30 the Senate passed the bill§ and on May 4, 1822, it was signed by the President.¶ This act was universally approved, and greatly enhanced Clay's popularity.\*\*

\* *Annals of Congress*, 17th Congress, 1st session, pp. 825, 828.

† Richardson, *Messages and Papers*, vol. ii., pp. 116-118; *Annals*, pp. 1238-1241.

‡ Richardson, p. 137. See also *Niles' Register*, vol. xxii., pp. 146-149.

|| *Annals*, pp. 1314-1321, 1382-1404, 1418-1421, 1444, 1447-1449, 1518-1526, 1530; Schouler, *United States*, vol. iii., p. 257.

§ *Annals*, pp. 422-432.

¶ Chadwick, *Relations of the United States with Spain*, p. 155.

\*\* The list of ministers appointed included Caesar A. Rodney to Buenos Ayres, Richard C. Anderson, of Kentucky, to Colombia, and Heman Allen, of Vermont, to Chili. Andrew Jackson was selected upon Adams' advice for the Mexican post, but disdainfully refused the office. A minister arrived with credentials from Colombia, and the other South American governa-

\* *Annals of Congress*, 16th Congress, 2d session, pp. 1042-1055; Benton, *Abridgment*, vol. vii., pp. 93-94.

† *Annals*, pp. 1071-1077.

‡ *Annals*, pp. 1081-1092; Benton, pp. 95-100.

|| *American State Papers, Foreign Relations*, vol. iv., p. 819; Richardson, *Messages and Papers*, vol. ii., pp. 116-118; *Annals of Congress*, 17th Congress, 1st session, pp. 284-286. For the Spanish minister's protest and Adams' reply, see *American State Papers, Foreign Relations*, vol. iv., pp. 845-846.

Meanwhile the Cabinet had often discussed the South American situation and evidently Rush, who had become minister to England, was instructed to ascertain the intentions of the Alliance regarding South America. In an interview with Castlereagh, July 16, 1818, Rush learned that no plan had been matured, as difficulties had arisen with Spain. On July 31, however, Castlereagh informed Rush that an invitation to mediate had been received from Spain, but the conditions were very illiberal. While England approved in general, admitting Spain's supremacy, she demanded that the trade of the colonies be opened to the world with a reasonable preference to the mother country. Castlereagh then asked the American view and was informed by Rush that the United States desired the complete independence of the Spanish colonies and would not take part on any other basis.\* In his messages of 1818 and 1819 Monroe recommended a continuance of the policy hitherto pursued respecting South America. In January 2, 1819, at a Cabinet meeting the President proposed that we inform Castlereagh of our intention soon to

recognize Buenos Ayres. In May of 1819 Adams informed Poletica, the Russian diplomatic agent, that the United States would aid the South American colonies if European nations intervened.

"I related to him all that had been done by us concerning the South American question; told him we were convinced that Buenos Ayres at least would maintain her independence of Spain; that sooner or later they must be recognized as an independent power; that we had thought that the time would before now have arrived when they might justly claim this as a right, but from the time when we learnt that the allies had determined, that whatever might be the event of their mediation, not to use force against the South Americans, the president had concluded that we might also forbear to take an immediate, decisive part in their favor."

Adams wished the South American colonies success in their cause, but opposed close political or commercial relations with them, believing that the United States had nothing to gain thereby. Monroe had none of Clay's spirit and in his annual messages continued to express his sympathy with the South Americans. In his message of December 3, 1822, he took a little stronger ground than previously:

"When we see that a civil war of the most frightful character rages from the Adriatic to the Black Sea; that strong symptoms of war appear in other parts, proceeding from causes which, should it break out, may become general and be of long duration; that the war still continues between Spain and the independent governments, her late Provinces, in this hemisphere; that it is likewise menaced between Portugal and Brazil \* \* \* and that a system of piracy of great extent is maintained in the neighboring seas \* \* \*, the reasons for sustaining the attitude which we now hold and for pushing forward all our measures of defense with the utmost vigor appear to me to acquire new force.

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ments were informed that ministers or diplomatic agents would be received by the United States. See Schouler, *United States*, vol. iii., pp. 275-276. See also Monroe's message of December 2, 1823, in Richardson, *Messages and Papers*, vol. ii., p. 210.

\* Snow, *Treaties and Topics in American Diplomacy*, pp. 258-259.

The United States owe to the world a great example, and, by means thereof, to the cause of liberty and humanity a generous support.”\*

Thus it is evident that the Monroe doctrine was not the creation of a moment; it did not spring into being suddenly in 1823. The idea and the principle had become familiar to the people and the policy was endorsed long before Monroe formulated it in his annual message of 1823.†

It was agreed upon the adjournment of the Congress at Laybach that another meeting should be held in 1822 at Verona. Lord Castlereagh was chosen as England’s representative at the conference, and was instructed to inform the congress that England intended to send accredited agents to some of the South American republics and would resent any intervention by the Holy Alliance.‡ When the congress met at Verona in September, Castlereagh was dead and the Duke of Wellington was sent to represent England.|| After an adjournment, the congress met in October of 1822, and on November 22, 1822, a secret treaty was signed by the representatives of Russia, Prussia, France and Austria. The first two articles were as follows:

“The high contracting powers, being convinced that the system of representative government is

equally as incompatible with the monarchical principles as the maxim of the sovereignty of the people with the divine right, engage mutually, in the most solemn manner, to use all their efforts to put an end to the system of representative governments, in whatever country it may exist in Europe, and to prevent its being introduced in those countries where it is not yet known.

“As it cannot be doubted that the liberty of the press is the most powerful means used by the pretended supporters of the rights of nations, to the detriment of those Princes, the high contracting parties promise reciprocally to adopt all proper measures to suppress it, not only in their own states, but also in the rest of Europe.\*

Spanish affairs were then taken into consideration. Some changes were demanded in the Spanish constitution, with the threat that if these changes were not made the French army, supported if need be by those of Austria, Prussia, and Russia, would invade Spain. The demand of the Alliance was refused, however, the Russian, Prussian, Austrian and French ministers withdrew in January of 1823,† and on April 7, 1823, the French army crossed the frontier into Spain.‡ By October all opposi-

\* Henderson, p. 314. The entire treaty is in Snow, pp. 245-246.

† Chadwick, *Relations of the United States and Spain*, pp. 176-177.

‡ On May 13, 1823, Albert Gallatin made the following remarkable announcement to Chateaubriand: “The United States would undoubtedly preserve their neutrality, provided it was respected, and avoid every interference with the politics of Europe. Even in the questions connected with South America they had not interfered, and, although their wishes were not doubtful, they had neither excited nor assisted the Spanish colonies. But, I had every reason to believe that, on the other hand, they would not, suffer others to interfere against the emancipation of America. If France was successful in her attack on Spain, and afterward attempted either to take possession of some of her colonies

\* Richardson, *Messages and Papers*, vol. ii., p. 194.

† Schouler, *United States*, vol. iii., p. 290; Snow, *Treaties and Topics in American Diplomacy*, p. 265.

‡ Henderson, *American Diplomatic Questions*, pp. 312-314.

|| Snow, *Treaties and Topics*, p. 241.



tion of consequence had been overcome, the king had been restored to the throne, the constitution was swept away, and the great opportunity for Spanish progress was lost.\*

The British foreign secretary, Canning, had received notice that when the affairs of Spain had been settled by the Alliance, the affairs of her former colonies would also be settled by the same.† In August of 1823, therefore, Canning proposed that the United States join England in a declaration that, though neither power desired the Spanish colonies for herself, European intervention in their affairs could not be regarded with indifference nor could their acquisition by a third party be tolerated.‡ Subsequently Rush, though he had no instructions regarding the matter, said that "we should regard as highly unjust and as fruitful of disastrous consequences any attempt on the part of any European power to take possession of them by conquest, by cession, or on any other

ground or pretext whatsoever." \* He promised that the United States would join England in the declaration, if that country would first acknowledge the independence of the Spanish republics.† This England refused to do, and the joint declaration was never made.‡

When Rush's letters were received by Monroe, the latter seems to have been much puzzled as to the proper course to pursue. In the joint declaration, would not the United States be forming one of the "political connections" which Washington had so severely denounced and one of the "entangling alliances" against which Jefferson had issued a warning? If the United States should make the declaration alone, would not the President be violating that policy of non-interference in the affairs of the colonies which he himself had advised in his annual messages and inaugural speeches?|| He then turned to Jefferson for advice (October 17, 1823) and on the 24th received the following reply:

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or to assist her in reducing them under their former yoke, I was of the opinion that the United States would oppose every undertaking of this kind."

\* Snow, *Treaties and Topics in American Diplomacy*, p. 242; Schouler, *United States*, vol. iii., p. 282.

† Schouler, *United States*, vol. iii., p. 285.

‡ George F. Tucker, *The Monroe Doctrine*, p. 9; Stapleton, *Political Life of Canning*, vol. ii., p. 221; W. F. Reddaway, *The Monroe Doctrine*, pp. 44-45; Henderson, *American Diplomatic Questions*, pp. 316-318; Snow, *Treaties and Topics*, pp. 267-268; Moore, *American Diplomacy*, p. 146 *et seq.*

"The question presented by the letters you have sent me is the most momentous which has ever been offered to my contemplation since that of independence. That made us a nation; this sets our compass and points the course which

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\* Reddaway, *The Monroe Doctrine*, p. 46; Henderson, *American Diplomatic Questions*, p. 319.

† Reddaway, pp. 47-48; Schouler, *United States*, vol. iii., p. 286; Chadwick, *Relations of the United States and Spain*, pp. 187-189; Snow, *Treaties and Topics in American Diplomacy*, pp. 268-269.

‡ Henderson, *American Diplomatic Questions*, p. 320; Tucker, *The Monroe Doctrine*, p. 10.

|| Henderson, p. 321.

we are to steer through the ocean of time opening on us. And never could we embark upon it under circumstances more auspicious. Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; second, never to suffer Europe to intermeddle with cisatlantic affairs. America, North and South, has a set of interests distinct from those of Europe, and particularly her own. She should therefore have a system of her own, separate and apart from that of Europe. While the last is laboring to become the domicile of despotism, our endeavor should surely be to make our hemisphere that of freedom." \*

Madison, too, assured Monroe (October 30, 1823) that "there ought not to be any backwardness in meeting her in the way she has proposed." † Before the congress was to assemble in 1823, Monroe frequently consulted his secretaries as to the proper course of action. During November hardly a week went by but the Cabinet discussed the matter. Calhoun advised that Rush be given discretionary powers to join with Great Britain in the declaration referred to.‡ To this Adams objected and in his objection was supported by the President, who was "averse to any course which should have the appearance of taking a position subordinate to that of

Great Britain." On November 13 Adams entered in his Diary:

"I find him yet altogether unsettled in his own mind as to the answer to be given to Canning's proposals, and alarmed far beyond anything that I would have conceived possible, with the fear that the Holy Alliance are about to restore immediately all South America to Spain. Calhoun stimulates the panic, and the news that Cadiz was surrendered to the French has so affected the President that he appeared entirely to despair of the cause of South America. \* \* \*"

Hence Monroe was ready to accept Calhoun's proposition to instruct Rush to act in conjunction with Canning "in case of any sudden emergency of danger." † A set of instructions was then drawn up and submitted to the Cabinet for examination. Adams insisted that if the United States must join Great Britain, the latter should first acknowledge the independence of the South American States, inasmuch as the United States had done so and therefore "had a right to object to the interference of foreign powers in the affairs of those territories." At this juncture Baron de Tui, the Russian minister, read to Adams some of the dispatches from Count Nesselrode, in which the latter spoke of the "passionate exultation" over the counter resolution in Portugal and the fall of popular sovereignty. Adams wished to make a firm and determined reply to these dispatches so that the European powers would "abstain from the attempt to spread their principles in

\* Ford's ed. of *Jefferson's Writings*, vol. x., p. 315. See also Schouler, *United States*, vol. iii., p. 288; Reddaway, *The Monroe Doctrine*, p. 52; Henderson, *American Diplomatic Questions*, pp. 321-323.

† See the letter in Madison's *Works* (Congress ed.), vol. iii., pp. 339-341; Chadwick, *Relations of the United States and Spain*, pp. 193-194; Henderson, *American Diplomatic Questions*, pp. 323-324.

‡ Henderson, *American Diplomatic Questions*, p. 324; Snow, *Treaties and Topics in American Diplomacy*, pp. 275-276.

\* Snow, *Treaties and Topics in American Diplomacy*, pp. 277-278.

† *Ibid*, p. 280.

the American hemisphere, or to subjugate by force any part of these continents to their will.”\* Accordingly Monroe incorporated in his draft of the forthcoming message to Congress a paragraph which thoroughly alarmed Adams, who considered it the cry of an alarmist and as breathing a defiance which was wholly unnecessary and likely to result in war.† Nevertheless Adams desired to issue some sort of a manifesto to Russia and on November 25 suggested a paragraph for the message which was intended to be

“a firm, spirited and yet conciliatory answer to all the communications lately received from the Russian Government, and at the same time an unequivocal answer to the proposals made by Canning to Rush. It was meant also to be eventually an exposition of the principles of this government, and a brief development of its political system, as henceforth to be maintained: essentially republican—maintaining its own independence, and respecting that of others; essentially pacific—studiously avoiding all involvements in the combinations of European politics, cultivating peace and friendship with the most absolute monarchies, highly appreciating and anxiously desirous of retaining that of the Emperor Alexander, but declaring that, having recognized the independence of the South American States, we could not see with indifference any attempt by European powers, by forcible interposition, either to restore the Spanish dominions on the American continents, or to introduce monarchical principles into those countries, or to transfer any portion of the ancient or present American possessions of Spain to any other European power.”‡

This suggestion met with considerable opposition in the Cabinet,

\* Henderson, *American Diplomatic Questions*, p. 326. See also *Memoirs of John Quincy Adams*, vol. vi., pp. 178, 194, 197, 199–212.

† Snow, p. 281.

‡ Snow, p. 284.

Calhoun doubting the necessity or advisability of publishing “so ostentatious a display of republican principles.”\* Adams insisted upon a vigorous reply to Russia, but Monroe demurred, fearing that the rabid republicanism of such a document might estrange Great Britain, whose friendship in the impending crisis was essential. On the other hand, Monroe wished to score France and the Holy Allies for their interference in Spain and their contemplated interference in America.† Wirt did not believe that the Americans were sufficiently enthusiastic for the South American cause to fight their battles and he questioned the propriety of issuing any menace whatever;‡ but Calhoun supported the President, believing that the people would fight rather than permit the subjugation of the Spanish colonies by the Allies. Calhoun, however, did not favor Adams’ manifesto to Russia, but Wirt gave full approval.¶ Finally, after much wrangling, and almost at the last moment, the President seems to have adopted the changes so urgently insisted upon by Adams, and on December 2, 1823, the message was sent to Congress.§

\* Henderson, *American Diplomatic Questions*, p. 328.

† *Ibid.*, p. 329.

‡ Snow, *Treaties and Topics*, p. 285.

¶ Henderson, p. 330; Snow, p. 287. See also Chadwick, *Relations of the United States and Spain*, p. 199; Reddaway, *The Monroe Doctrine*, p. 54 *et seq.*

§ Richardson, *Messages and Papers*, vol. ii. pp. 207–220; *Annals of Congress*, 18th Congress.



In his message Monroe asserted that amicable negotiations were in progress with Russia and England to settle their respective rights and interests on the northwest coast. "In the discussion as to this interest [the rights of the United States on the northwest coast of America] has given rise, and in the arrangements by which they may terminate, the occasion has been judged proper for asserting, as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered as subjects for future colonization of any European powers." Toward the end of the message Monroe set forth the great doctrine known by his name.\* In speaking of the efforts made in Spain and Portugal to improve the conditions of the people of those nations, he said:

"Of events in that quarter of the globe, with which we have so much intercourse and from which we derive our origin, we have always been anxious and interested spectators. The citizens of the United States cherish sentiments the most friendly in favor of the liberty and happiness

of their fellowmen on that side of the Atlantic. In the wars of the European powers in matters relating to themselves we have never taken any part, nor does it comport with our policy so to do. It is only when our rights are invaded or seriously menaced that we resent injuries or make preparation for our defence. With the movements in this hemisphere we are of necessity more immediately connected, and by causes which must be obvious to all enlightened and impartial observers. The political system of the allied powers is essentially different in this respect from that of America. This difference proceeds from that which exists in their respective governments; and to the defence of our own, which has been achieved by the loss of so much blood and treasure, and matured by the wisdom of their most enlightened citizens, and under which we have enjoyed unexampled felicity, this whole nation is devoted. We owe it, therefore, to candor and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety. With the existing colonies or dependencies of any European power we have not interfered and shall not interfere. But with the governments who have declared their independence and maintained it, and whose independence we have, on great consideration and on just principles, acknowledged, we could not view any interposition for the purpose of oppressing them, or controlling in any other manner their destiny, by any European power in any other light than as the manifestation of an unfriendly disposition toward the United States. In the war between those new governments and Spain we declared our neutrality at the time of their recognition, and to this we have adhered, and shall continue to adhere, provided no change shall occur which, in the judg-

2d session, pp. 12-24; Benton, *Abridgment*, vol. vii., pp. 466-471; Henderson, *American Diplomatic Questions*, pp. 333-336; *Niles' Register*, vol. xxv., pp. 214-220.

\* Regarding the authorship of the doctrine see Reddaway, *The Monroe Doctrine*, chap. v. He claims that Adams was largely responsible for it. See also the diary of William Plumer, quoted in *Pennsylvania Magazine of History and Biography*, vol. vi., p. 358; Schouler, *United States*, vol. iii., p. 292, note; W. C. Ford, *John Quincy Adams: His Connection with the Monroe Doc-*

*trine*, in *Proceedings of the Massachusetts Historical Society*, series ii., vol. xv., pp. 323-346 (1902) and in *American Historical Review*, vol. vii., pp. 676-696 and vol. viii., pp. 28-52; James Schouler, *The Authorship of the Monroe Doctrine*, in *Annual Report of the American Historical Association* for 1905, pp. 123-131 (1906), and in *The Independent*, vol. lx., pp. 619-624 (1906); William F. McCormack, *The Evolution of the Monroe Doctrine*, in *The Navier*, vol. xvi., pp. 366-378; William L. Scruggs, *The Monroe Doctrine—Its Origin and Import*, in *North American Review*, vol. clxxvi., pp. 185-199.

ment of the competent authorities of this government, shall make a corresponding change on the part of the United States indispensable to their security.

"The late events in Spain and Portugal show that Europe is still unsettled. Of this important fact no stronger proof can be adduced than that the allied powers should have thought it proper, on any principle satisfactory to themselves to have interposed by force in the internal concerns of Spain. To what extent such interposition may be carried, on the same principle, is a question in which all independent powers whose governments differ from theirs are interested, even those most remote, and surely none more so than the United States. Our policy in regard to Europe, which was adopted at an early stage of the wars which have so long agitated that quarter of the globe, nevertheless remains the same, which is, not to interfere in the internal concerns of any of its powers; to consider the government *de facto* as the legitimate government for us; to cultivate friendly relations with it, and to preserve those relations by a frank, firm, and manly policy, meeting in all instances the just claims of every power, submitting to injuries from none. But in regard to those continents circumstances are eminently and conspicuously different. It is impossible that the allied powers should extend their political system to any portion of either continent without endangering our peace and happiness; nor can any one believe that our southern brethren, if left to themselves, would adopt it of their own accord. It is equally impossible, therefore, that we should behold such interposition in any form with indifference. If we look to the comparative strength and resources of Spain and those new governments, and their distance from each other, it must be obvious that she can never subdue them. It is still the true policy of the United States to leave the parties to themselves, in the hope that other powers will pursue the same course."

In brief, the Monroe doctrine stated that there should be no more European colonies on either of the American continents, that the United States would not interfere in the internal affairs of any of the European powers, and that if any European power attempted to extend its political system

to any part of the Western Hemisphere for the purpose of oppressing the nations, or in any other manner controlling their destiny, the United States would interfere. Monroe warned the Holy Allies that any attempt on their part to violate the doctrine would be considered "dangerous to our peace and safety, and a manifestation of an unfriendly disposition toward the United States." \*

The English people hailed Monroe's doctrine with great delight and loudly praised the firm stand taken by the President.† Mr. Brougham said: "The question with regard to South America is now disposed of, or nearly so; for an event has recently happened, than which no event has ever dispersed greater joy, exultation, and gratitude, over all the freemen of Europe; that event which is decisive on the subject is the language held with respect to South America in the speech or message of the President of the United States to the Congress." ‡ Madison wrote to Monroe on December 6, 1823, that "the contents of the message will receive a very close at-

\* Henderson, *American Diplomatic Questions*, p. 337.

† Chadwick (*Relations of the United States and Spain*, pp. 202-204), says the only dissident in England was Canning. See also Reddaway, *The Monroe Doctrine*, p. 89 *et seq.*; Henderson, *American Diplomatic Questions*, p. 338 *et seq.* Niles' Register (vol. xxv., p. 410) gives excerpts from the foreign newspapers.

‡ Canning said that the European Congress "was broken in all its links before, but the president's message gives it the *coup de grace*."—Stapleton, *George Canning and His Times*, p. 395.

tention everywhere, and that it can do nothing but good everywhere." It is true that many condemned Monroe and asserted that he must either back down or fight, but these men were in the minority and approval was general. To France and Prussia the message gave great offence.\* The whole subject of European interference in Spanish America was dealt a death blow by England's discountenance, for, unable to bring Rush to a joint declaration, Canning warned France that if force were used or British commerce molested in the effort to subjugate the Spanish colonies, England would declare their independence.† Clay was so carried away with enthusiasm that on January 20, 1824, he introduced into the House a resolution:

"That the people of [the United States] would not see, without serious inquietude any forcible intervention of the allied powers of Europe in behalf of Spain, to reduce to their former subjection those parts of the continent of America which have proclaimed and established for themselves, respectively, independent governments, and which have been solemnly recognized by the United States."‡

In May of 1824 Clay said that he had introduced this resolution because of the information disclosed in the President's message, and under the belief that an attack on Spanish America was meditated by the Holy

Allies; but, as it was now clear that such was not the intention of the Allies, to pass such a resolution might be construed by them as unfriendly, if not offensive. Hence he would not press the resolution, but "would allow it to sleep where it now reposes—on the table."\* For this act Clay has been accused of abandoning the Monroe Doctrine, but it is evident that he acted from political necessity, for when he became Secretary of State under Adams he instructed Joel R. Poinsett, minister to Mexico, to "urge upon the government of Mexico the utility and expediency of asserting the same principle on all proper occasions."† Thus, when a French fleet appeared off our coast and apparently was about to invade and seize Cuba and Porto Rico, Mexico called upon the United States to fulfill Clay's words, and "the memorable pledge of the President of the United States in his message to Congress, of December, 1823." Clay acceded to the request, instructed our minister at Paris to notify France "that we would not consent to the occupation of those islands by any other European power than Spain under any circumstances whatever," and bade Mr. Poinsett inform the Mexican government of what had been done.‡

\* Reddaway, *The Monroe Doctrine*, pp. 93-94.

† Schouler, *United States*, vol. iii., p. 293.

‡ *Annals of Congress*, 18th Congress, 1st session, p. 1104; Henderson, *American Diplomatic Questions*, p. 340; Snow, *Treaties and Topics in American Diplomacy*, p. 294; Tucker, *The Monroe Doctrine*, p. 21.

\* *Annals*, pp. 2763-2764.

† *Viles' Register*, vol. xxx., pp. 94-95.

‡ McMaster, vol. v., pp. 52-54. D. C. Gilman, in his *Life of James Monroe*, gives an extensive bibliography of works relating to the various phases and applications of the Monroe Doctrine. For other views and applications see Sydney



## CHAPTER XXXIV.

1824-1825.

## THE ELECTION OF JOHN QUINCY ADAMS.

Break-up of the Republican party — Jackson's nomination — The "A. B. Plot" — New England's sentiment for Adams — Pennsylvania's support of Jackson — Crawford and Gallatin — The struggle in New York — Clay's position — Kremer's charge — Adam's election by the House.

It was evident that new political combinations were forming in the United States. Hitherto the politicians had been divided over the questions of protection, the right of Congress to superintend internal

matters, etc. But now new issues, new questions, and new points of view presented themselves. Naturally, new leaders came to the fore. That Monroe was unanimously elected in 1820 had no significance,

Brooks, *Some Aspects of the Monroe Doctrine*, in *Fortnightly Review*, vol. lxxvi. (N. S. vol. lxx.), pp. 1013-1026; Edward Stanwood, *The Moral Aspects of the Monroe Doctrine*, in *The Outlook*, vol. lxx., pp. 371-374 (1902); Paul S. Reinsch, *The Positive Side of the Monroe Doctrine*, in *The Independent*, vol. lv., pp. 9-11; Sir A. E. Miller, *The Monroe Doctrine from an English Standpoint*, in *North American Review*, vol. clxxvi., pp. 728-729; Ralph C. Ringwalt, *The Monroe Doctrine*, in his *Briefs on Public Questions* (1905); A. Alvarez, *The Monroe Doctrine at the Fourth Pan-American Conference* (1911); James B. Angell, *The European Concert and the Monroe Doctrine*, in *Harvard Graduates Magazine*, vol. xiv., pp. 13-24 (1905); Harold Bolee, *The Commercial Side of the Monroe Doctrine; Its Relation to the Pan-American Programme at Rio Janeiro*, in *Appleton's Magazine*, vol. viii., pp. 52-57 (1906); Julius Chambers, *The Monroe Doctrine in the Balance* (1911); J. Chetwood, *Manila or Monroe Doctrine?* (1898) and *Monroe Doctrine Repeal and Our Next War*, in *The Arena*, vol. xxiii., pp. 247-253; A. B. Hart, *The Monroe Doctrine and the Doctrine of Permanent Interest*, in *American Historical Review*, vol. vii., pp. 77-91 (1907); Hart, *The Monroe Doctrine in its Territorial Extent and Application*, in *Proceedings of the U. S. Naval Institute*, vol. xxii., pp. 753-

800 (1906); *Is the Monroe Doctrine a Bar to Civilization? By an American Business Man*, in *North American Review*, vol. clxxvi., pp. 518-529; Francis B. Loomis, *The Position of the United States on the North American Continent — Some Phases of the Monroe Doctrine*, in *Annals of the American Academy of Political and Social Science*, vol. xxii., pp. 1-19 (1903); John Macdowell, *South American Republics and the Monroe Doctrine*, in *The Nineteenth Century and After*, vol. liii., pp. 587-598; Daniel Mills, *The Monroe Doctrine and the Inter-Oceanic Canal*, in *Empire Review*, vol. ii., pp. 403-414 (1901); John B. Moore, *Non-Intervention and the Monroe Doctrine*, in *Harper's Magazine*, vol. cix., pp. 851-869; W. L. Scruggs, *British Aggression in Venezuela; or the Monroe Doctrine on Trial* (1895); George B. Waldron, *Our Dog in the Manger Policy in South America*, in *Chautauquan Magazine*, vol. xxxiv., pp. 469-474; W. H. Webb, *The Monroe Doctrine and the Control of the Isthmus Canal* (1881); Walter Wellman, *Shall the Monroe Doctrine Be Modified?* in *North American Review*, vol. clxxiii., pp. 832-844 (1901); James G. Whiteley, *The Monroe Doctrine and the Hay-Pauncefote Treaty*, in *The Forum*, vol. xxx., pp. 722-727; D. B. Castillo, *The New Monroe Doctrine*, in *North American Review*, vol. clxxx., pp. 592-601.

since precedent entitled him to another term; but hardly had he been sworn into office the second time when in all quarters of the country candidates were selected to succeed him at the expiration of his term. Late in December of 1821 the majority of the Republican members of the South Carolina legislature held a caucus and nominated William Lowndes for the Presidency, which action so alarmed the supporters of the Secretary of War that a delegation visited Calhoun and requested him to become a candidate. Accordingly, after Lowndes' death in November of 1822, the legislature nominated Calhoun.\* In January of 1822 the *Nashville Gazette* broached the subject of Jackson's candidacy† and found such a hearty response that he was nominated by the Tennessee General Assembly on July 20, 1822.‡ On November 18, 1822, a caucus of Kentucky legislators assembled at Frankfort and nominated Henry Clay.|| Jackson appeared to be just the man for the place, for his name was familiar to every voter in the land and his public services had been many and great. But while he was known

far and wide as the greatest soldier in America, he was neither a statesman nor a politician in a National sense. For 32 years he had held office, civil or military; he had been territorial district attorney for Tennessee, member of Congress from the new State, Senator, Supreme Court judge, major-general of militia, major-general in the regular army, conqueror and governor of Florida. He had been known as the political "boss" of his State for some years, but from the time when he resigned the governorship of Florida he took little active interest in politics.\* It was only his immense popularity which enabled the managers of his campaign to overcome the prejudice favoring nomination by Congressional caucus. Not content with this, however, two judges were persuaded to publish in the newspapers a series of articles attacking the caucus and justifying the propriety of legislative nomination. It seemed certain, too, that the electoral college would fail to elect a President, and that the duty of providing the chief magistrate for the country would fall on the House of Representatives. In that case it would be only natural that the members of the House should vote for the man they knew personally rather than for a man they knew only by reputation. An opportunity was then seized upon to put Jackson

\* Hunt, *Life of Calhoun*, pp. 48-49; Jenkins, *Life of Calhoun*, pp. 154-155; Jervcy, *Robert Y. Hayne*, pp. 125-129; Ravenel, *William Lowndes*, chap. x.

† Parton, *Life of Jackson*, vol. iii., p. 18.

‡ *Ibid*, p. 20; Sumner, *Life of Jackson*, p. 79; Schouler, *United States*, vol. iii., p. 271; McMaster (vol. v., p. 57) says August.

|| Sargent, *Life of Clay*, p. 102; Schurz, *Life of Clay*, vol. i., p. 228; Clay, *Life of Clay*, p. 136; Stanwood, *History of Presidential Elections*, p. 80; Niles' *Register*, vol. xxiii., p. 245.

\* Buell, *History of Andrew Jackson*, vol. ii., p. 155 *et seq.* See also Schouler, *United States*, vol. iii., p. 62 *et seq.*

in the company of Congressmen, and in December of 1823 he took his seat as one of the Senators from Tennessee.\*

The nomination of Jackson caused widespread enthusiasm, particularly in the West. Early in January of 1823, at a meeting in Cincinnati, De Witt Clinton was nominated, and almost at the same time (January 3) the members of the Ohio legislature recommended Clay.† Jackson was publicly endorsed by numerous mass meetings, such as those at Louisville, Nashville, Pittsburg, and Philadelphia.‡ The supporters of the other candidates were not idle, and during the summer of 1823 the Kentuckians pledged their votes to Clay and the South Carolinians to Calhoun. In both South Carolina and North Carolina Calhoun was a great favorite, but in the latter State Crawford had great strength. The legislature of Georgia expressed a preference for Crawford, but only as the regular caucus candidate of the party. On February 14, 1824, a Congressional caucus was held with 66 members present and two absentees represented by proxies. Owing to the small attendance, an attempt was made to adjourn the meeting, but when a motion to this effect had been

voted down, 68 votes were cast for the candidate, 64 of which were cast for Crawford, 2 for Adams and 1 each for Jackson and Nathaniel Macon. For the Vice-Presidency Albert Gallatin received 57 votes, while the rest were given to a number of other candidates.\*

At this time an effort was made to break down Crawford by accusations of malfeasance in office. Some anonymous letters in a Washington newspaper over the initials "A. B." reflected upon Crawford's integrity, but their author was unknown until Ninian Edwards, then on his way to his post as minister to Mexico, on April 6, 1824, wrote a letter to the Speaker of the House avowing the authorship, submitting new matter upon which to base impeachment proceedings against Crawford and asking an investigation. Edwards was brought back to Washington, the investigation was made, and Crawford was exonerated. Hence, the "A. B. Plot," as it was called, failed in its design.†

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\* Sumner, *Life of Jackson*, pp. 85-86; Stanwood, *Presidential Elections*, p. 83; Schouler, *United States*, vol. iii., p. 307; Parton, *Life of Jackson*, vol. iii., pp. 27-28; *Niles' Register*, vol. xxv., pp. 388-392.

† Schouler, *United States*, vol. iii., p. 309. See also *Annals of Congress*, 17th Congress, 2d session, *passim* under "Suppression of Public Documents." Edwards' letter of April 6 is in *Annals*, 18th Congress, 1st session, pp. 2431-2450, and in part in Benton, *Abridgment*, vol. viii., pp. 37-38. For the investigation see *Annals*, pp. 2450-2915. See also *American State Papers, Finance*, vol. v., pp. 1-145; *Niles' Register*, vol. xxiv., pp. 4-6; and vol. xxvi., pp. 140-149, 181-191, 273-274, 290-295, 302-323.

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\* Sumner, *Life of Jackson*, p. 76; Buell, *History of Andrew Jackson*, vol. ii., p. 161 *et seq.*; Parton, *Life of Jackson*, vol. iii., p. 22.

† Stanwood, *Presidential Elections*, pp. 80-81; *Niles' Register*, vol. xxiii., p. 342.

‡ McMaster, vol. v., pp. 58-59; *Niles' Register*, vol. xxv., p. 167.



On February 15, 1824, at a mass meeting at Faneuil Hall (Boston), John Quincy Adams was selected to uphold the dignity of the Presidency, and all New England endorsed this nomination.\* Ohio nominated Adams while New Jersey chose seven Jackson men and one Crawford man. In the latter State the Convention of delegates, before proceeding to business, adopted a rule that no delegate pledged to support any candidate should be seated; and as this shut out the Adams men, they organized by themselves and framed an Adams ticket. In December of 1823, at a meeting of citizens in Steubenville, Ohio, De Witt Clinton was nominated for the Presidency and Andrew Jackson for the Vice-Presidency.† Adams had no following in Pennsylvania, and at a convention held at Harrisburg, on March 4, Jackson was nominated by a vote of 124 to 1, while Calhoun was selected for the Vice-Presidency.‡ The sentiment for Jackson in Pennsylvania was still strong, chiefly because of his services in the late war, in the Indian campaign of 1813 and in the Seminole War.||

\* *Niles' Register*, vol. xxv., pp. 340 *et seq.*, 360.

† *Ibid.*, vol. xxv., p. 243.

‡ Parton, *Life of Jackson*, vol. iii., p. 29; *Niles' Register*, vol. xxvi., pp. 19-20; Sumner, *Life of Jackson*, p. 87; Schurz, *Life of Clay*, vol. i., pp. 225-226; Hunt, *Life of Calhoun*, p. 51; Schouler, *United States*, vol. iii., p. 311.

|| Jefferson, however, seems to have been alarmed at the sentiment in favor of Jackson. Writing to Webster, he says: "I feel very much alarmed at the prospect of seeing General Jackson President. He is one of the most unfit men I know of for the place. He has had very little respect

Some of the members of the Virginia legislature nominated Clay because he had been born and bred in that State. In East Tennessee Jackson was favored, while in Maryland the people declared for an Adams-Jackson ticket. In Mississippi the convention nominated both Adams and Jackson, while Alabama was a Jackson stronghold. Save Virginia, no State had declared for Gallatin, while only South Carolina wanted to see Calhoun President. Calhoun therefore had little chance of election. Nevertheless the endorsement of Calhoun for the Vice-Presidency by Jackson and Adams men throughout the South brought him into prominence as a candidate for the Vice-Presidency, and he therefore became the choice of the Republicans for that office.\* When they saw the name of the Secretary of War on the Jackson and Adams tickets, friends of Crawford attempted a like fusion of the supporters of Crawford and Clay. In September the Speaker was offered second place, which was declined. The Republican leaders then requested Gallatin to withdraw, because in North Carolina, Virginia, Maryland, Delaware, New Jersey, and New York the belief was prevalent that Calhoun would be chosen

for laws or constitutions, and is, in fact, an able military chief. His passions are terrible. \* \* \* He has been much tried since I knew him, but he is a dangerous man."—Fletcher Webster, *The Private Correspondence of Daniel Webster*, vol. i., p. 371.

\* Hunt, *Life of Calhoun*, p. 51.

Vice-President by the electors, and because Gallatin's elimination might better Crawford's chance of election. Gallatin therefore sent his resignation to Martin Van Buren at Albany and to the Bureau of Correspondence in Virginia, and it was shortly afterward published in the newspapers.\* Gallatin might as well never have written his resignation, for when the New York legislature attempted to choose its electors, the supporters of Crawford and Clay broke out into an open quarrel. In 1821 the people of New York had made a new constitution wherein the Council of Appointment was abolished and the suffrage extended by removing the property qualification hitherto required of voters.† The politicians then in office, under the leadership of Martin Van Buren, organized a new party machine to take the place of the Council of Appointment and to control the State patronage. This machine was called the "Albany Regency." Another consequence of the adoption of the new constitution was the formation of the People's Party, for it was certain that if the Albany Regency were left to itself, it would capture the Legislature in 1824 and secure electors pledged to Crawford. The People's Party demanded that in

1824 the Presidential electors should be chosen by popular vote, and on this demand the election of 1823 turned.\* The People's Party elected a number of their candidates to the Legislature, and in January of 1824 a bill was introduced providing for the popular choice of electors. After a long and bitter struggle, the bill was passed in the Assembly, but in the Senate it was defeated on March 10 by a vote of 17 to 14.† Had the Regency stopped here, all might have been well; but before the session closed, they rushed through both Houses a resolution removing De Witt Clinton from the office of canal commissioner.‡ This aroused intense public indignation, which became so great by June 2, 1824, that Governor Joseph C. Yates called a special session of the Legislature for August and urged the passage of the electoral law.§ When the Legislature convened on August 2, the governor's message was read, precipitating a violent struggle.¶ Crawford's friends contended that nothing had happened to justify an extra session of the legislature; that the governor's proclamation was therefore unconstitutional, and any measures the legislature might enact would be illegal. It was

\* Gallatin's *Writings*, vol. ii., pp. 288-299; Parton, *Life of Jackson*, vol. iii., p. 31. See also Clay, *Private Correspondence*, pp. 100-103; Sargent, *Public Men and Events*, vol. i., p. 57.

† For Van Buren's services in this convention see Edward M. Shepard, *Life of Martin Van Buren*, pp. 65-73; Bancroft, *Martin Van Buren to the End of his Public Career*, pp. 62-109.

\* Sumner, *Life of Jackson*, p. 86; Niles' *Register*, vol. xxv., p. 162.

† Niles' *Register*, vol. xxvi., pp. 44-45.

‡ *Ibid*, vol. xxvi., pp. 97, 116-117. For details see Shepard, *Martin Van Buren*, p. 93 *et seq*.

§ See his proclamation in Niles' *Register*, vol. xxvi., pp. 243-244.

¶ The message is in Niles' *Register*, vol. xxvi., pp. 372-373.

therefore the duty of the Assembly, with the Senate's concurrence, to adjourn immediately.\* Adams' friends declared the electoral bill ought to pass, and when a concurrent resolution to adjourn came down from the Senate, it was tabled by a large majority. The next day the Assembly passed a joint resolution for the enactment of an electoral law and sent it to the Senate; but that body took no action, and when the reason was asked, stated that the session was illegal and the legislature could not legally legislate. Thus deadlocked, it was evident that nothing could be done and both branches therefore adjourned until the regular time of meeting in November.†

Meanwhile, the people had elected De Witt Clinton governor of New York. An active campaign had been conducted against Congressional caucuses, and particularly against those Senators who had voted against the electoral law. But one of those 17 Senators who voted against this law dared to stand for reelection and he was beaten. Out of a total of 190,000 votes, Clinton received a majority of 16,000.‡ When the two houses of the legislature met on November 10 to choose the 36 electors, each member found on his desk three printed slips

of paper, which proved to be an Adams, Clay, and a Crawford ticket. The law provided that the two houses must vote separately, and after each had chosen its electors, they must meet in joint session and declare the results. In the Senate 7 Clay electors and 29 Crawford electors were chosen, but in the House the struggle was keener. On the first ballot Adams had 50 votes, Crawford 43, Clay 32, and Jackson 1.\* For three days the balloting continued without change, and it became apparent that a compromise was necessary. The Clay ticket was then offered and rejected; next the Jackson ticket was offered and was given 28 votes; and then the compromise ticket of 21 Crawford and 15 Clay men was submitted. This failing also, the Adams ticket was again offered, to be adopted by a vote of 62 to 55. The two houses next met and proceeded to vote on the Adams ticket offered by the Assembly and on the Crawford-Clay ticket offered by the Senate. As there were 157 ballots, 79 were necessary to a choice. Seven of the men on the Crawford ticket who had been supporters of Clay received 95 votes apiece and were declared elected, but three of the ballots were blank and, it was contended, ought not to be counted. If these ballots were discarded, 78 would be a majority, and 25 on the Adams ticket would be elected. A stormy debate began and continued until late in

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\* *Niles' Register*, vol. xxvi., p. 396.

† *Ibid*, pp. 397-398.

‡ Schouler, *United States*, vol. iii., p. 314; Hammond, *Political History of New York*, vol. ii., chaps. xxix.-xxxii.; Thurlow Weed, *Autobiography*, chap. xv.; *Niles' Register*, vol. xxvii., p. 162.

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\* *Niles' Register*, vol. xxvii., p. 186.



the afternoon, when the Senate left the joint session and went to its own chamber. There the Senate declared that the 7 Clay men with 95 votes and the 25 Adams men with 78 votes were elected. A like resolution was adopted by the Assembly and again a joint session convened, when four more electors were chosen who were open advocates of Crawford. As the vote then stood, there were 25 electors for Adams, 7 for Clay, and 4 for Crawford.\*

At that period in our history it was not the custom to choose electors throughout the country on the same day, as each State fixed the time for the election as best suited the convenience of the people, or of the legislature, if that body made the appointment of the electors. Consequently, the election of a President was a slow process at best, and slower still because of the absence of the telegraph and other quick means of heralding information. Toward the end of the year, from the returns then received, Jackson had 99 votes, Adams 84, Crawford 41, and Clay 37,† provided Louisiana, which was yet to be heard from, voted as she was supposed to. But toward the middle of December news arrived from Louisiana that

three Jackson electors and two Adams electors had been chosen by the legislature after six ballots. As the Constitution limited the number of contestants that could appear before the House of Representatives, Clay was therefore shut out of the contest. Though Clay's name could not come before the House, still he could say who should be elected, as Crawford had been stricken with paralysis during the summer and was in no physical condition to become President.\* To vote for Jackson was impossible, for since the Seminole War and Clay's denunciation of Jackson's conduct the two had not spoken; but as Clay then held the balance of power efforts were made to renew the friendship.† When it became known, however, that Clay had determined to support Adams, Jackson's friends set upon him with abuse, threats of vengeance, personal injury, etc., if Jackson were not elected.‡ As Clay remained firm and could neither be persuaded nor frightened, Jackson's friends, toward the close of 1824, attempted to ruin him politically.

As we have seen, Clay had been much disappointed when Monroe

\* McMaster, vol. v., pp. 72-73; Sumner, *Life of Jackson*, p. 87; Stanwood, *Presidential Elections*, pp. 85-86; Niles' *Register*, vol. xxvii., pp. 187, 193-194.

† Sumner, *Life of Jackson*, p. 89; Buell, *History of Andrew Jackson*, vol. ii., p. 172; Quincy, *Memoir of John Quincy Adams*, p. 139; Morse, *John Quincy Adams*, p. 170; Schurz, *Life of Clay*, vol. i., p. 232.

\* Morse, *John Quincy Adams*, pp. 170-171; Peck, *The Jacksonian Epoch*, pp. 95-97; Schouler, *United States*, vol. iii., p. 306; *Memoirs of John Quincy Adams*, vol. vi., pp. 130, 270, 356-357, 387, 428, 435, 439.

† Rogers, *The True Henry Clay*, pp. 127-129; Parton, *Life of Jackson*, vol. iii., pp. 45-47, 56, 64; Schurz, *Life of Clay*, vol. i., p. 237; Clay, *Life of Clay*, pp. 137-139.

‡ Schurz, *Life of Clay*, vol. i., p. 241; Clay, *Life of Clay*, p. 141; Schouler, *United States*, vol. iii., pp. 327-328.

failed to appoint him to the office of Secretary of State. Now, therefore, if Clay should throw his influence to Adams and secure his election to the Presidency, Clay would in all likelihood be offered the position he desired.\* The Jackson adherents then concocted a scheme to force Clay to support Jackson. On January 25, 1825, George Kremer, one of the Pennsylvania Representatives, sent an anonymous letter to the *Columbian Observer* at Philadelphia declaring an attempt had been made to corrupt the friends of Jackson, and when it failed the followers of Adams had been corrupted, and that Clay had been promised the office of Secretary of State if he would cause his followers to vote for Adams.† This stung Clay to the quick and he denounced the unknown writer as "a base and infamous calumniator, a dastard, and a liar," and asserted that if he could ascertain who it was he would hold him to "all the laws which govern men of honor."‡ Kremer then made himself known, but, instead of fighting a duel on the grounds of Bladensburg, Clay took the matter to the House and on February

3, 1825, requested an investigation.\* He said that

"The respectability of the station which the member holds who thus openly prefers the charges, and that of the people whom he represents, entitle [his accusations] to grave attention. It might be, indeed, worthy of consideration whether the character and dignity of the House itself did not require a full investigation, and an impartial decision on their truth. For if the charges are true, if he were capable and base enough to betray the solemn trust which the Constitution had confided in him \* \* \* the House would be scandalized by his continuing to occupy the chair with which he has been so long honored, \* \* \* and he merited instantaneous expulsion. \* \* \* He anxiously hoped, therefore, that the House would be pleased to direct an inquiry to be made into the truth of the charges.‡"

But few of the members knew that this attack had been made on the Speaker and, themselves thoroughly indignant, Clay's appeal was readily heard and a committee appointed to investigate it.‡ Kremer promised to appear before the committee and said that if he failed to make the charges good, he was willing to be punished as the House saw fit.¶ But when the committee requested him to submit proof, he refused to attend§ and instead submitted a long letter denying

\* Sargent, *Life of Clay*, p. 104; Peek, *The Jacksonian Epoch*, pp. 97-98; Parton, *Life of Jackson*, vol. iii., pp. 104-105.

† *Register of Debates*, 18th Congress, 2d session, vol. i., pp. 440-441; *Niles' Register*, vol. xxvii., p. 366.

‡ The committee consisted of P. P. Barbour, Webster, R. M. Saunders, Louis M. Zane, John W. Taylor, John Forsyth and Christopher Rankin. See *Register of Debates*, 18th Congress, 2d session, vol. i., p. 486.

¶ Rogers, *The True Henry Clay*, p. 131; *Niles' Register*, vol. xxvii., p. 367.

§ Morse, *John Quincy Adams*, p. 182; Parton, *Life of Jackson*, vol. iii., p. 105.

\* Sumner, *Life of Jackson*, pp. 90-92.

† Stanwood, *Presidential Elections*, pp. 90-91; Parton, *Life of Jackson*, vol. iii., p. 103; *Niles' Register*, vol. xxvii., p. 353.

‡ Schurz, *Life of Clay*, p. 242; Clay, *Life of Clay*, p. 142; *Niles' Register*, vol. xxvii., p. 355. In writing to F. P. Blair, January 29, 1825, Clay said: "The knaves cannot comprehend how a man can be honest."—*Private Correspondence of Henry Clay*, p. 112.

the right of the House to act in this matter.\* After being read, this letter was laid on the table,† and, it being the second Wednesday in February, the House informed the Senate that it was ready to count the electoral votes.

When the two bodies had taken their seats the certificates were opened and read, and it was announced that Andrew Jackson had received 99 votes, John Quincy Adams 84, William H. Crawford 41, and Henry Clay 37, so that as no person had re-

ceived a majority, there was no election. However, as Jackson, Adams, and Crawford had received the highest number of votes, it was incumbent upon the House to make a choice. Calhoun had received 182 electoral votes for Vice-President and was declared elected.\* When the last ballots for President had been counted, it was found that Adams had received the greatest number, and he was duly declared elected for the term beginning March 4, 1825.†

## CHAPTER XXXV.

1825-1829.

### FOREIGN RELATIONS.

Adams' inauguration — Invitation of the South American republics — Adams and Clay's determination to send representatives to Panama — Discussion of the project in Congress — Result of the South American Congress — Early struggles for independence in Mexico — Coöperation of American citizens — Land grants to the Austins — The Texas colonization law — Attempt to extend the southern boundary — The dispute with England over the Maine and Oregon boundaries — Opinions in Congress as to the value of Oregon — The dispute with England over the West Indian trade.

On March 4, 1825, John Quincy Adams was inaugurated as the sixth President of the United States.‡ The inauguration was followed by the appointment of the cabinet members. Clay was nominated Secretary of State; Richard Rush, of Pennsylvania, Secretary of the Treasury; James

Barbour, of Virginia, Secretary of War; Samuel L. Southard, of New Jersey, Secretary of the Navy; William Wirt, of Virginia, Attorney-General; and John McLean, of Ohio, Postmaster General, though the latter was not yet a member of the cabinet.‡

Hardly had Clay been installed in office when his attention was drawn to the South American republics. In 1823

\* Schurz, *Life of Clay*, vol. i., pp. 244-246; McMaster, *Life of Webster*, pp. 129-130. For text see *Register of Debates*, vol. i., pp. 522-525; *Niles' Register*, vol. xxvii., pp. 380-382.

† Parton, *Life of Jackson*, vol. iii., pp. 106-107.

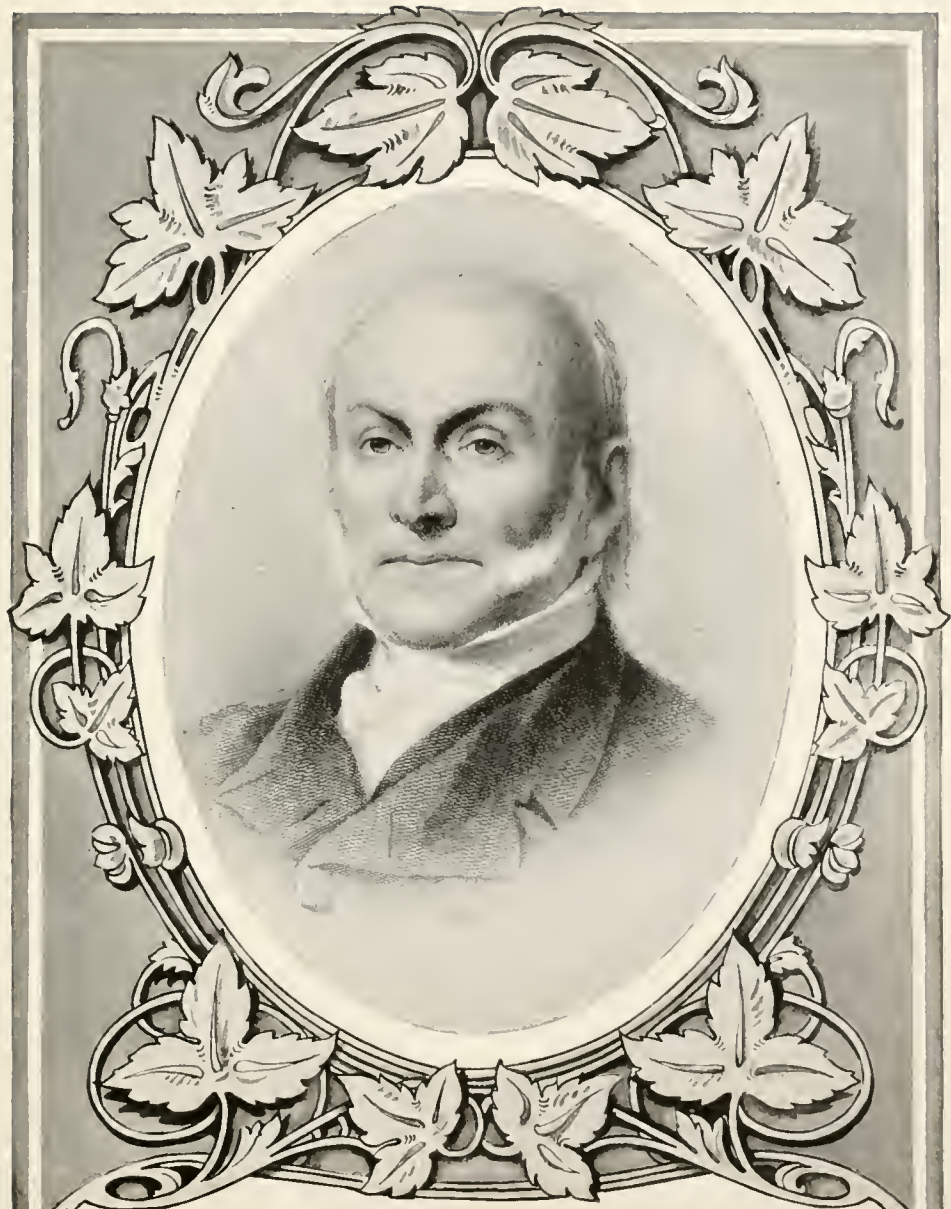
‡ For details see Schouler, *United States*, vol. iii., p. 337 *et seq.*; *Niles' Register*, vol. xxviii., pp. 19-20. For his inaugural address see Richardson, *Messages and Papers*, vol. ii., pp. 294-299; *Niles' Register*, vol. xxviii., pp. 8-11.

\* Hunt, *Life of Calhoun*, p. 52; Von Holst, *Life of Calhoun*, pp. 60-61; Jenkins, *Life of Calhoun*, p. 156.

† For the vote by states see Stanwood, *Presidential Elections*, p. 93; Schouler, *United States*, vol. iv., p. 538; *Register of Debates*, vol. i., p. 526.

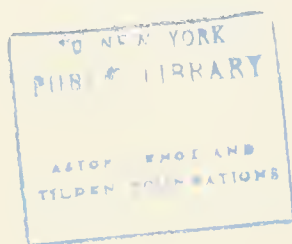
‡ Morse, *John Quincy Adams*, p. 178; Schurz, *Life of Clay*, vol. i., p. 249 *et seq.*





JOHN QUINCY ADAMS.

Sixth President of the United States



the power of Spain in South America had been completely overthrown, and Simon Bolivar as President of Colombia, invited the governments of Mexico, Peru, Buenos Ayres, and Chile to send delegates to Panama for the purpose of forming a confederacy. The two latter held back at the time, and in December of 1824 Bolivar again addressed a circular to the republics urging that representatives be sent to Panama immediately. To this circular letter Mexico, Chile, Peru, Guatemala and Colombia responded,\* and in the spring of 1825 the representatives of Mexico and Colombia in the United States expressed to Clay a desire that the United States should be represented at the Congress.† After consulting Adams, Clay replied that, although the United States could take no part in a war with Spain, or in any council for deliberating on the manner or means for carrying it on, he believed that such a congress might be serviceable in settling some important questions of public law, in promoting friendly intercourse between the various republican governments which had become established in America, and in arranging matters of great interest to the whole new world.‡ The representatives of these countries reported Clay's answer to their govern-

ments, but no more was heard of the matter for some months.

In November of 1825 the representatives of Mexico and Colombia again urged the United States to send representatives to Panama, at the same time presenting to Clay statements of the subjects which would be considered at the congress.\* Adams accepted the invitation and in his annual message of December 6, 1825, said: "Ministers on the part of the United States will be commissioned to attend at those deliberations, and to take part in them so far as may be compatible with the neutrality from which it is neither our intention nor the desire of the other American States that we should depart."†

Adams well knew the purposes for which the Congress had been called, for a statement of its objects had been given him. The chief objects were to form a league to wage war against Spain; to free Cuba and Porto Rico, to carry the war to the coast of Spain, to consider what should be done to give effect to the Monroe Doctrine, and to decide upon the most effective measures to resist foreign interference in the domestic affairs of the American government.‡ In a special message to the Senate on December 26, 1825, Adams ignored these mat-

\* See the letters in *Niles' Register*, vol. xxix., pp. 184-186.

† Henderson, *American Diplomatic Questions*, p. 343; *Memoirs of John Quincy Adams*, vol. vi., pp. 531, 536, 542.

‡ *American State Papers, Foreign Relations*, vol. v., p. 835; Henderson, *American Diplomatic Questions*, p. 344; Snow, *Treaties and Topics in American Diplomacy*, pp. 296-297.

\* *American State Papers, Foreign Relations*, vol. v., pp. 836-837. See also Henderson, *American Diplomatic Questions*, pp. 344-345; Snow, *Treaties and Topics in American Diplomacy*, pp. 297-299.

† Richardson, *Messages and Papers*, vol. ii., p. 302; *Niles' Register*, vol. xxix., pp. 233-240.

‡ Chadwick, *Relations of the United States and Spain*, pp. 210-211; Jared Sparks, *Alliance of*



ters and suggested various other subjects for discussion. He also named Richard C. Anderson, of Kentucky, and John Sergeant, of Pennsylvania, as envoys extraordinary, and William B. Rochester, of New York, as secretary of the mission; saying, "although this measure was deemed to be within the constitutional limits of the executive, I have not thought proper to take any step in it before ascertaining that my opinion of its expediency will concur with that of both branches of the Legislature; first by the decision of the Senate upon the nominations to be laid before them, and, secondly by the sanction of both Houses to the appropriations, without which it cannot be carried into effect."\* He said that the United States "neither intend nor are expected to take part in any deliberations of a belligerent character," but that the meeting would afford an excellent opportunity to give some wholesome advice to the South American republics concerning commercial reciprocity, blockade and neutral rights, privateering, the slave trade, and religious liberty.†

*the Southern Republics, in North American Review*, vol. xxii., p. 162 (January, 1826); *Niles' Register*, vol. xxix., p. 365.

\* Richardson, *Messages and Papers*, vol. ii., p. 318-320; *American State Papers, Foreign Relations*, vol. v., pp. 834-835. See also Chadwick, *Relations of the United States and Spain*, pp. 209-210; L. M. Keasbey, *The Nicaragua Canal and the Monroe Doctrine*, pp. 138-139; Henderson, *American Diplomatic Questions*, p. 346; *Niles' Register*, vol. xxix., p. 273.

† Snow, *Treaties and Topics in American Diplomacy*, pp. 301-302.

On account of the great opposition to this measure, Martin Van Buren moved that the debate be conducted with open doors, unless the publication of documents to be referred to in debate would be objectionable.\* He moved also that the President be requested to state whether the publication of any such documents would be objectionable.† On February 16, 1826, Adams replied that all the documents sent by him to the Senate were in confidence, that this confidence ought to be preserved unimpaired, and that he left to the Senate itself the decision of a question involving an unprecedented departure from that usage.‡ This stirred up the anger of the opposition, and five resolutions, practically amounting to a censure, were offered by Woodbury on February 22, but all were voted down by a strict party alignment of 24 to 20.¶ It was resolved also to hold the debate in executive or secret session.§

On January 16, 1826, the Committee on Foreign Relations made a long report and introduced a resolution that it was not expedient to send any

\* Schouler, *United States*, vol. iii., p. 362.

† *Register of Debates*, 19th Congress, 1st session, p. 142; Benton, *Abridgment*, vol. viii., p. 417. For the documents submitted see *Register*, app. p. 43 *et seq.*

‡ Richardson, *Messages and Papers*, vol. ii., p. 327; Quincy, *Memoir of John Quincy Adams*, pp. 154-156.

¶ *American State Papers, Foreign Relations*, vol. v., pp. 871-872; *Register of Debates*, 19th Congress, 1st session, pp. 143-144; Benton, *Abridgment*, vol. viii., p. 417.

§ McMaster, vol. v., pp. 442-443.

representatives to the Panama Congress.\* The debate then opened in earnest. There were two grounds for opposition: first, that the Congress proposed to form a league that would drag the United States into an entangling alliance of a serious nature. Others said they would not consent to enter any kind of a league with or apply the Monroe Doctrine in behalf of republics that had abolished slavery, that wished to suppress the slave trade, that demanded the recognition of the negro republic of Hayti, and sought to free Cuba and Porto Rico, and emancipate the slaves in those islands.† Hayne said that Monroe had never “pledged this nation to go to war or make treaties to prevent the interference of any European nation in the present contest,” but that Monroe’s declaration was merely intended “to produce a moral effect abroad.”‡ White, of Tennessee, took the same ground and further said that “the Executive has no power to bind the United States by any pledge,” and that Monroe had asserted correct principles, but left them to be en-

forced or not as our interest or policy required.\*

It was asserted that the suppression of the slave trade, the recognition of Hayti, and the expedition to free Cuba and Porto Rico greatly concerned the South. Senator after Senator from that section bitterly denounced these matters, for, as Hayne said, slavery “must ever be treated as a domestic question.” “Let me solemnly declare, once for all,” he continued, “that the Southern States never will permit and never can permit any interference whatever in their domestic concerns, and that the very day on which the unhallowed attempt shall be made by the authorities of the Federal Government, we will consider ourselves as driven from the Union.”† The abolition of slavery in Cuba and Porto Rico deeply concerned the slaveholding States, for in the opinion of slaveholders the existence of two non-slaveholding republics within 90 miles of the Florida coast would be unendurable. Hayne therefore suggested that the United States should not permit the South American states “to take Cuba nor to revolutionize it.” White, of Tennessee, said that of all the subjects that could be thought of for discussion at Panama, the abolition of the slave trade was the most unfortunate. If slavery be an affliction, all the Southern and Western States have

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\* *American State Papers, Foreign Relations*, vol. v., pp. 857-865; *Register of Debates*, app., pp. 92-100; Henderson, *American Diplomatic Questions*, pp. 347-348; Snow, *Treaties and Topics in American Diplomacy*, p. 307.

† Rogers, *The True Henry Clay*, pp. 139-140; Angell, *Diplomacy of the United States*, in Winsor, *Narrative and Critical History*, vol. vii., p. 503.

‡ For the entire speech see *Register of Debates*, pp. 152-175; Benton, *Abridgment*, vol. viii., pp. 421-429. See also Jervey, *Robert Y. Hayne and His Times*, pp. 190-193.

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\* *Register of Debates*, pp. 198-218; Benton, *Abridgment*, vol. viii., pp. 435-438.

† *Register of Debates*, p. 165.

it, and their peculiar modes of thinking on all subjects are connected with it. Some of these new States have put it down in their constitution that whoever owns a slave shall cease to be a citizen. Is it then fit that the United States should disturb the quiet of the Southern and Western States by discussion and argument with the new States on any subject connected with slavery?\* Berrien, of Georgia, said that Cuba and Porto Rico must remain as they are. "To Europe, the President has distinctly said: 'We cannot allow a transfer of Cuba to any European power.' We must hold a language equally decisive to the Spanish American States. We cannot allow their principle of universal emancipation to be called into activity in a situation where its contagion 'from our neighborhood would be dangerous to our quiet and safety.' \* \* \* The safety of the southern portion of this union must not be sacrificed to a passion for diplomaey."† Benton said that the relations of Hayti with the American States and the rights of Africans in this hemisphere were two other questions to be decided. He said that if Hayti became independent, black consuls would be sent to the South, and would parade through the country and instil in the minds of the slaves of the South the benefits to be derived through a like successful effort on their part. He said that as

this question could not be discussed at home, there was no sense of discussing it at Panama.\* He then offered an amendment declaring it undesirable to send representatives to the Congress until the Senate had received satisfactory information as to the subjects to be brought before it, the substance and form of powers to be given the American representatives, the mode of organizing the Congress, and the method of deciding questions. This amendment was rejected, and Van Buren moved that as the Constitution did not authorize the President to nominate representatives to an assembly of nations, the appointment of delegates to the Panama Congress would be a departure from the said policy of the United States.† This, too, was rejected. The nominations made by the President were then duly confirmed (March 14, 1826).‡

The matter of appropriating money to defray the cost of the mission next came before the House. On December 16, 1825, a resolution had been offered, calling on the President for copies of the papers and correspondence in the case, but this was tabled as assurance was given that the Presi-

\* *Register*, p. 304 *et seq.*; Benton, *Abridgment*, p. 459 *et seq.*

† For a discussion of Van Buren's attitude see Shepard, *Martin Van Buren*, p. 105 *et seq.*; Bancroft, *Martin Van Buren*, pp. 137-140.

‡ McMaster, vol. v., pp. 443-450; Chadwick, *Relations of the United States and Spain*, p. 213. For a different discussion see Von Holst, *Constitutional and Political History*, vol. i., pp. 423-432. See also Roosevelt, *Life of Benton*, pp. 63-65.

\* *Register of Debates*, p. 207.

† *Ibid.*, pp. 276-295; Benton, *Abridgment*, vol. viii., pp. 453-457.



dent intended to send the papers when the Senate consented to the proposed mission.\* On January 25, 1826, as no papers were received from the President, two resolutions were introduced; one expressing the solicitude of the United States for the South American republics in their struggle for independence; and the other declaring the wisdom of sending representatives to the congress and appropriating the necessary money.† These resolutions were tabled, and on January 30 another resolution was offered, calling on the President for papers and documents relative to the invitation.‡ The House thereupon began a debate, and it was not until February 3, 1826, that the resolution passed by a vote of 125 to 40.¶ On March 15 President Adams complied with the resolution and submitted the information and the papers.§ The Committee on Appropriations thereupon introduced a bill providing for the mission, and on March 25 another resolution was introduced by the Committee on Foreign Relations, stating that it was expedient to appropriate these funds.¶

\* *Register of Debates*, pp. 817, 819.

† *Ibid.*, pp. 1116-1118.

‡ *Ibid.*, p. 1192.

¶ For the debate see *ibid.*, pp. 1208-1219, 1226-1232, 1237-1302; Benton, *Abridgment*, vol. viii., p. 637 *et seq.*

§ Richardson, *Messages and Papers*, vol. ii., pp. 329-340; *American State Papers, Foreign Relations*, vol. v., pp. 882-886. See also Tucker, *The Monroe Doctrine*, pp. 28-32. The documents will be found also in *Niles' Register*, vol. xxx., pp. 54-82, 88-108.

¶ *American State Papers, Foreign Relations*, vol. v., pp. 900-905; *Register of Debates*, pp.

When the resolution was taken up on April 4 an amendment was offered by McLane, of Delaware, declaring that it was contrary to the policy of the United States to form entangling alliances with foreign nations and to have "as little political connection as possible" with them; that the ministers should go in a diplomatic character only, and should be empowered only to discuss and not to conclude any compact or declaration binding the Government to resist interference on the part of foreign nations in the domestic concerns of the South American countries.\*

In opposing this, Webster said that the amendment virtually instructed the ministers — a prerogative which belonged to the Executive and not to the House.† Others argued that, as the Senate had approved the mission, it was the duty of the House to appropriate the money, unless the mission were deemed dangerous to the peace of the country. James Buchanan then offered a resolution to remove Webster's objections. This declared that it was not expedient to enter into an alliance, either offensive or defensive, for the United States

1764-1765 and app., pp. 100-105; Benton, *Abridgment*, vol. ix., p. 48; Henderson, *American Diplomatic Questions*, p. 353; Snow, *Treaties and Topics in American Diplomacy*, pp. 308-309; *Niles' Register*, vol. xxx., pp. 108-113.

\* *Register of Debates*, pp. 2009, 2011; Benton, *Abridgment*, vol. ix., pp. 90-91.

† Tefft, *Life of Webster*, pp. 243-244; Henderson, *American Diplomatic Questions*, pp. 353-354. For the speech see *Register of Debates*, pp. 2021-2022; Benton, *Abridgment*, vol. ix., pp. 94-95.

would thus be deprived of the right to act freely in any crisis which might arise.\* Regarding the argument that the House should vote the appropriation because the Senate had approved the mission, it was stated that the peace of the country was seriously threatened. Clay said, at the time the invitation was first presented and accepted, that the members would be instructed and enlightened "upon all questions likely to arise in the congress on subjects in which the nations of America have a common interest."† The Mexican minister said that the principal subjects were foreign interference and colonization. These, therefore, were subjects to the discussion of which the United States was committed, for at the time the French fleet appeared off the coast of Cuba, Clay had said "that we would not consent to the occupation of these islands by any other European power than Spain, under any contingency whatever."‡ Regarding Clay's American system, it was said that nothing but evil would come from it.

On April 11, 1826, James K. Polk, of Tennessee, offered an amendment which, in substance, stated that when the House was called upon to appropriate money for a foreign mission, it should consider the expediency or inexpediency of such a mission, and act accordingly; that to send representatives to participate in the delibera-

tions of the Panama Congress was foreign to the policies of the United States; and that such a mission might involve us in entangling alliances, and therefore, as it was inexpedient to send representatives to the congress, the appropriation should not be made.\* Buchanan considered that as the Senate had consented to the appointment of the members, they were free to start whenever they were ready, and that no matter whether the House refused to pay them or not, their acts would be legal. The only question to be decided was not whether the mission were proper, but whether the money should be paid. He was in favor of the amendments as the Administration would thus be able to relieve itself of a pledge which it had no right to give, and the President could also say that, strong as was his inclination to fulfill it, the House of Representatives had declared it should never have their sanction.†

In reply, on April 14, Webster said that the House must appropriate the money; that the appointment of members was a power belonging to the Executive, and that it was only because such members must have salaries and because such salaries could not be paid without the consent of the House, that the subject was referred

\* *Register of Debates*, p. 2029.

† *Ibid*, p. 2018 *et seq.*

‡ *Ibid*, p. 2048.

\* *Ibid*, p. 2166.

† *Ibid*, pp. 2168-2182; Benton, *Abridgment*, vol. ix., pp. 137-143.

to that body at all.\* Finally the Committee of the Whole reported the resolution without amendment, but on April 20 the House added the amendment of McLane by a vote of 99 to 95,† and then rejected the resolutions (April 21 by a vote of 143 to 54),‡ but on April 22 passed the appropriation bill by a vote of 134 to 60.¶ The Senate concurred in the measure§ and it became law on May 24, 1826.

It was quite evident that the excitement of the dispute on this subject was due rather to political factionousness than to fear of danger to the interest of the United States. But so far as appears by the result, neither side gained or lost anything of moment from the discussion. It was late in April before the debate terminated and summer had come before Anderson and Sergeant set out to attend the congress.¶ Anderson, then minister to Colombia, set out for Panama as soon as he received instructions, but on reaching Cartagena was attacked by a malignant fever and died. Sergeant reached Panama only to find

that the delegates had assembled and had adjourned to meet again at Tacubaya, Mexico.\* Poinsett, the ambassador to Mexico, was then appointed in Anderson's place, and he with Sergeant prepared to be present when the Congress should reassemble in February of 1827. But when the appointed day arrived the Congress did not meet, principally because the internal dissensions in South America rendered it impossible to effect anything of importance. The project was never after revived and Sergeant therefore returned to the United States.†

Quite as futile was the attempt to extend our southern boundary into Texas. The uprisings of the Spaniards against Joseph Bonaparte in June of 1808 had been followed by uprisings in the American colonies. Under the lead of Don Miguel Hidalgo, the native Mexicans revolted, and, with a considerable army, Hidalgo captured the city of Guanajuato. So many of his followers deserted on reaching the outskirts of Mexico City that he was compelled to retreat, to be finally betrayed and executed in the usual Mexican way. One of his followers, Bernardo Gutierrez, escaped and, after fleeing across Texas,

\* *Register of Debates*, pp. 2254-2277; Benton, pp. 159-167; Tefft, *Life of Webster*, p. 244; Tucker, *The Monroe Doctrine*, pp. 32-33.

† *Register of Debates*, p. 2457.

‡ *Ibid.*, p. 2490.

¶ *Ibid.*, p. 2514; Snow, *Treaties and Topics in American Diplomacy*, p. 309; Benton, *Abridgment*, p. 218; McMaster, vol. v., pp. 451-459; Curtis, *Life of Webster*, vol. i., pp. 266-267.

§ For debate see *Register of Debates*, 19th Congress, 1st session, pp. 641, 665-667, 671.

¶ For their instructions see *Register of Debates*, vol. v., app., pp. 38-49. A resumé is in Snow, *Treaties and Topics in American Diplomacy*, p. 311.

\* Henderson, *American Diplomatic Questions*, p. 350; *Niles' Register* (vol. xxxi., *passim*) gives some of the proceedings.

† Chadwick, *Relations of the United States and Spain*, pp. 214-215; Schouler, *United States*, vol. iii., pp. 366-367. On the entire subject also *The Congress of 1826 at Panama (International American Conference, vol. iv., Historical App., 1890)*.



took refuge at Natchitoches. He persuaded Lieutenant August W. Magee to join him in an attempt to conquer Mexico and, as it was easy to get followers, an army was organized and called the Republican Army of the North. In June of 1812 150 men began their march, quickly captured Nacogdoches and the fort at Spanish Bluffs, then crossed the Colorado and were besieged at La Bahía by Don Manuel de Salcedo, governor of Texas. Salcedo was driven to San Antonio, where, together with the town, he was captured and, with Simon de Herrera, governor of New Leon, was executed. The Republicans then deposed Gutierrez, placed Don José Alvarez Toledo in command, were defeated, and inside of two months were driven back to the west bank of the Sabine. Toledo then returned to the United States, collected a few men and some more arms and ammunition, and returned to El Puente del Rey, between Vera Cruz and Jalapa, where he waited for the troops of the Mexican Republic to join him.\*

The struggle for independence was not terminated by the fall of Hidalgo, for in the southwestern provinces an army had been raised by another priest, Morelos by name, who, after winning the battle of Tixtla, summoned a congress to meet at Chilpanzingo. In 1812 this congress declared independence, but Morelos soon died and the duty of sustaining the repub-

lican cause fell on Don José Manuel Herrera. He struggled along for three years with indifferent success, but in September of 1816 he and Don Louis Aury raised the flag of the republic at Galveston, established a government, and Aury was made civil and military governor of Texas and Galveston Island, which were declared to be a part of the republic of Mexico. By the spring of 1817 there were 600 fighting men at Galveston under Aury and Xavier Mina. At this time some letters were captured which informed the commanders at Galveston of the defenceless state of the town of Soto la Marino, 60 miles up the Santander River. In April an expedition easily captured this place, but immediately Aury and Mina quarreled, Aury going back to Galveston, while Mina, after marching inland, was captured by the royal troops and put to death. On returning to Galveston, Aury found the place in the hands of pirates under Lafitte, and after a vain attempt to establish himself at Matagorda, he joined MacGregor at Amelia Island, whence he was driven out of the United States.\*

In 1819 came the Spanish treaty which adopted the Sabine as part of the boundary and relinquished all claims of the United States to Texas. While this aroused intense indignation throughout the Southwest, it was nowhere higher, perhaps, than in Natchez. Hence it was not difficult to

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\* McMaster, vol. v., pp. 3-4.

\* McMaster, vol. v., pp. 5-6.

secure men for an attempt upon Texas. Dr. James Long raised a company of 75 volunteers to invade Texas, and early in June of 1819 set out for Nacogdoches. On the way the survivors of former bands joined him, so that by the time he reached his destination, the troops numbered 300, among them being Bernado Gutierrez. On reaching Nacogdoches a provisional government was established and a proclamation issued declaring Texas free and independent.\* The supreme council of nine which had been appointed proceeded to make laws to dispose of public lands and to establish a printing office. Long then went to Galveston to persuade Lafite to support the enterprise but was unsuccessful. When he returned he found the royalist army close at hand and his own force scattered, he himself with great difficulty escaping to the United States.

Scarcely had Long departed when Moses and Stephen F. Austin made their appearance. Before much had been accomplished in consummating their scheme, Moses Austin died and his son, Stephen F. Austin, was left to undertake the task alone. They had planned to colonize 300 American families in the northwestern inland provinces, and immediately after his father's death Stephen Austin conferred with the governor, selected his tract, and drew up the plan for distributing the land among the settlers. The tract stretched along the coast

from Galveston Bay to Matagorda Bay and ran inland to the great highway connecting Nacogdoches and Bexar. It was required that 300 families must be brought in from Louisiana, that each settler must be a Roman Catholic or become so before he entered Texas, must give evidence of good character and good habits, and take an oath of allegiance to the Spanish king. If these conditions were fulfilled, land was to be assigned to each family proportionate to its size—to each man 640 acres, to his wife 320 acres, and to each child 160 acres, and for each slave the owner was to have 80 acres, all of which was to be paid for at the rate of 12½ cents an acre. Settlers were easily found, and in November of 1821 the schooner *Lively*, with eighteen emigrants, sailed for Matagorda Bay, while Austin set out with fourteen men by land. Those who went by sea were wrecked and were never afterward heard of, and Austin, after awaiting their arrival for three months, set out for San Antonio to report his losses to the governor. On his arrival there in March of 1822 Austin learned that Mexico had revolted against Spain and had established a congress of her own.\*

The governor informed Austin that his grant must be confirmed by Congress, and he therefore proceeded to Mexico, where he found several others

\* *Niles' Register*, vol. xvii., p. 31.

\* For the form of government proposed see *Annals of Congress*, 17th Congress, 1st session, pp. 2083-2085.

petitioning that body for the same purpose. The matter was considered so important that it was referred to a committee, which introduced a general colonization law. On October 30, 1822, just as the law was about to pass, Augustine Iturbide overthrew the government and declared himself emperor. The congress was dissolved by proclamation, and a junta of 35 members was organized by Iturbide. In January of 1823 this body enacted the first colonization law of Texas, guaranteeing the colonizers liberty, security of property and civil rights on condition that they adhere to the Catholic religion, promising each farmer not less than one labor (177 acres) and each stock-raiser one league (4,428 acres), and decreeing that they should be free for six years from paying taxes, duties and tithes. Under this law Austin succeeded in obtaining his grant in February of 1823, but, as he was about to return to his colony, the emperor was dethroned by another revolution and the Republic was restored.\*

Upon Iturbide's departure an executive of three men was appointed and a new congress summoned, which immediately declared null and void the late Emperor's acts, including the colonization law of 1823 and the confirmation of Austin's contract. Austin secured a new confirmation, however, and early in the summer of 1823 returned to Texas, laid out the town of Colorado, and marked the

foundation of San Felipe de Austin. After five months' labor, a new constitution was framed and adopted dividing Mexico into eighteen states and three territories, each with its own government. Until Texas should establish its government, it was to join Coahuila. Under the name of the State of Coahuila or Texas, the first congress of the new state began its session in August of 1824, and in the following March passed an act "to increase the population of its territory, promote the cultivation of its fertile lands, the raising and multiplication of stock, and the progress of its arts and commerce." This was practically a state colonization law and under it the settlement of Texas by the citizens of the United States began in earnest.\*

When Mexico became independent of Spain the duty of executing the treaty concluded with that country in 1819 was left to her, but so unsatisfactory was it in many respects that a proposal was made to disregard this treaty and make another. The line of demarkation between the United States and Mexico passed up the west bank of the Sabine to the 32d degree, due north to the Red River, westward along its south bank to the 100th degree west longitude, then north again to the south shore of the Arkansas River, thence westward to the source of that river, thence due north or south to the 42d

\* McMaster, vol. v., pp. 10-11.

\* *The South in the Building of the Nation*, vol. iii., p. 354 *et seq.*



degree north latitude, and westward along this parallel to the Pacific. Clay suggested that the Rio Brazos or the Rio Colorado or even the Rio Grande be substituted for the Sabine, and a new line be drawn so as to head all waters flowing into the Arkansas and Red rivers; but Mexico would not listen to such a proposition. Clay then proposed two other lines. The first was the Rio Grande from its mouth to the Rio Puercio, up that river to its source and thence due north to the Arkansas. For the extra territory thus acquired the United States would pay \$1,000,000. If Mexico did not desire to part with all of Texas, Clay proposed that she cede so much as lay east of the Rio Colorado from its mouth to its source and thence due north to the Arkansas. For this he was willing to give \$500,000. Poinsett, the minister to Mexico, realized the futility of such a proposition, and, believing that it would cause still further irritation between the two countries, disregarded his instructions and did nothing.\* Mexico insisted upon the boundary in the treaty with Spain in 1819 and Poinsett yielded. In January of 1828 a treaty of limits, binding the two parties to the old line, was concluded; but four years passed before the treaty was ratified by both parties.†

Before ratifications were exchanged, however, Andrew Jackson had become President. Being convinced that Mexican territory was too near the Mississippi, he instructed Van Buren to open negotiations with Mexico with the object of moving the boundary farther away than the Sabine. Jackson was willing to pay \$5,000,000 for the territory north and east of a line starting from the coast between the Nueces and the Rio Grande and running along the crest of the divide parting the waters that entered the Rio Grande from those flowing into the Gulf, up to the 42d degree north latitude. He was willing also to pay a substantial sum for that part of Texas lying east of the west bank of the Rio de la Blanco, from its mouth to the source of its westerly branch, thence north to the Colorado and then to its source, and from that point to the 42d parallel of latitude. Should Mexico be unwilling to part with so much of Texas, Poinsett was authorized to propose as a boundary the Colorado from its mouth to its source, or the Rio Brazos from its mouth to the head of its most westerly branch, and thence around the tributaries of the Red and Arkansas rivers to the 42d degree. But Mexico declined to consider any of these propositions, and for many years the line remained unchanged as defined in the treaty of 1819.

The effort to reach an agreement with Great Britain as to the Oregon and Maine boundaries were quite as

\* Bruce, *The Romance of American Expansion*, p. 83, quoting a letter from Clay in Niles' *Register*, vol. lxvi., p. 152.

† McMaster, vol. v., pp. 459-461.

unavailing as the negotiations with the South American republics. As set forth in the king's proclamation of 1763, the southern limit of the province of Quebec was the 45th parallel from the St. Lawrence eastward to the highlands which separate the waters flowing into the St. Lawrence from those flowing into the sea; along the highlands and northern shore of Chaleur Bay and the Gulf of St. Lawrence to Cape Rozier, and thence across the St. Lawrence by the west end of Anticosti to the mouth of the St. John River. By this proclamation, therefore, the Maine and Nova Scotia boundaries had been moved southward from the St. Lawrence to the sources of the rivers which flowed into it. The western limit of Nova Scotia was a line drawn from Cape Sable across the Bay of Fundy to the mouth of the St. Croix River, up that river to its source and a meridian to the southern boundary of Quebec. Thus it would seem that the boundaries of Maine had been precisely defined long before the Revolution, but to describe it in proclamations was far different than locating it on the ground, for nobody knew just which river was the St. Croix. After many years of wrangling, Madison instructed Rufus King to open negotiations to settle the Maine boundary and if possible to secure a commission to determine and mark the northwest angle of Nova Scotia. King followed his instructions, and in the convention of

1803 (never ratified by Great Britain) was an article providing for such a commission. Nothing was done, however, until the commission met at Ghent in 1814. Article V. of the treaty then concluded is as follows:

"Whereas neither that point of the Highlands lying due north from the source of the river St. Croix and designated in the former treaty of peace between the two Powers as the northwest angle of Nova Scotia, nor the northwesternmost head of the Connecticut river has yet been ascertained; and whereas that part of the boundary line between the dominions of the two Powers which extends from the source of the river St. Croix directly north to the above-mentioned northwest angle of Nova Scotia, thence along the said Highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the northwesternmost head of the Connecticut river, thence down along the middle of that river to the 45° of north latitude; thence by a line due west on said latitude until it strikes the river Iroquois or Cataraqui, has not yet been surveyed, it is agreed that the two commissioners shall be appointed, etc."

In 1817 the work of surveying began, but so difficult was it that four years passed before the work was completed. From the source of the St. Croix River the surveyors traced a meridian to a high elevation at Mars Hill, thence into the valley of the St. John River, then to the summit of a ridge parting the waters flowing into the St. John and those reaching the Restigouche, and 143 miles from the point of beginning met a ridge on the northern slope of which are the head waters of the river Matis which enters the St. Lawrence. The point at which the meridian crossed the crest of this ridge was, according to the Americans, the northwest angle of

Nova Scotia. The British agent, however, said that the ridge was a mere water-shed and could not be accepted as the highlands designated in the treaty. Furthermore, this ridge parted the Matis which fell into the St. Lawrence from the Restigouche which entered the Bay of Chaleurs, and therefore could not be said to "divide those rivers which empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean," as required by the treaty. He said that the words of the treaty, "north to the Highlands" meant that the meridian should end at the first highlands which "in any part of their extent" divided the waters which fell into the St. Lawrence from those which fell into the Atlantic, and such a highland was Mars Hill. He therefore drew a line from Mars Hill to what he claimed to be the northwesternmost head of the Connecticut River, and held this to be the northern boundary of Maine and New Hampshire. This differed from the American viewpoint, for the American line met the line of Hall's stream. From the point where the Connecticut River crossed the 45th parallel of north latitude, the boundary was run due west to the St. Lawrence. But the astronomers found that the old-time surveyors had marked the parallel incorrectly; that the true line ran three-quarters of a mile south of the false one; and that on the territory belonging to Great Britain the United States had built a

fort and was gradually completing another.\*

The commissioners were therefore called upon to settle three questions: what was the northwest angle of Nova Scotia; where was the northwesternmost head of the Connecticut River; and whether the parallel of 45 degrees should remain as marked or be corrected. The commissioners failed to agree on any of these points and in November of 1821, after presenting their dissenting reports, adjourned. Under the treaty of Ghent it was necessary that the United States and Great Britain refer the matter to "some friendly sovereign or state" as arbitrator. Seven years passed, however, before the king of the Netherlands was chosen to act in this capacity, and three more had gone by before a decision was rendered.† On January 10, 1831, the award was made. The king disregarded the arguments of the two parties and drew a line due north from the source of the St. Croix to the middle of the St. John, up that river and the St. Francis to the source of its southwesternmost branch, and then cut the disputed territory in half, awarding the northern part to Great Britain and the southern to the United States. He decided the northwesternmost head of the Connecticut to be the most northwestern of the streams entering

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\* McMaster, vol. v., p. 469.

† For a short resumé of the arguments laid before the arbitrator by both parties, see McMaster, vol. v., pp. 470-473.



Connecticut Lake. He declared that former surveyors should be disregarded in locating the 45th parallel, but that the forts which had been erected by the United States should remain in their possession.\*

When the award became known in Maine, indignation was aroused and the Government was denounced in no measured terms. It was held that the Senate possessed no power to part with an inch of American soil nor to change the boundary of a State without its consent, and in a dispute of this nature the Government merely acted as the agent of Maine. On February 28, 1831, the legislature resolved that the sovereign rights and powers of the State were being violated, and that she was not in duty bound to submit to the decision. Massachusetts, too, was an interested party, for when the district of Maine had been formed she reserved a share in the wild lands. On February 15, 1832, her legislature resolved that the line drawn by the arbitrator would deprive both States of large tracts of territory; that such power or right was not vested in the general government; and that any act purporting to deprive a State of any territory was null and void and not obligatory upon the government or people of the State. The legislature said that the State would cheerfully coöperate with Maine in such measures as would prevent the adoption

by the United States government of the line recommended by the arbitrator. On January 19, 1832, the Maine legislature resolved furthermore that the Constitution:

"does not invest the General Government with absolute powers but confers only a special and modified sovereignty without authority to cede to a foreign power any portion of a territory belonging to a state without its consent; \* \* \* that if there is an attribute of that sovereignty which is unqualified and undeniable, it is the right of jurisdiction to the utmost limit of state territory; that while the people of the state are disposed to yield a ready obedience to the Constitution and laws of the United States, they will never consent to surrender any portion of their territory on the recommendation of a foreign power."

In spite of the protest and threats of Maine and Massachusetts, President Jackson was disposed to approve the decision. On December 7, 1831, therefore, he sent the papers in the matter to the Senate.\* That body by a vote of 35 to 8 declared that the award was not obligatory and advised the President to open new negotiations. Jackson, however, turned to Maine and soon concluded an agreement by which he was free to cede the land in question. For the present, Maine was to surrender to the United States all her territory north of the St. John and east of the St. Francis, in return for which she was to receive such adjoining territory as might be ceded by Great Britain, and, if this did not equalize matters, 1,000,000 acres in Michigan. The treaty, however, was never ratified,

\* Moore, *International Arbitration*, vol. i., pp. 119-136.

\* For his message see Richardson, *Messages and Papers*, vol. ii., p. 559.

and for several years nothing was known of this agreement. Meanwhile Great Britain informed the United States that she was willing to abide by the decision of the arbitrator but would, if necessary, modify the line in any manner agreeable to the two governments. Accordingly a proposition was made for new surveys, for a commission of Europeans to determine from these surveys as to where the highlands were actually situated, and for a line direct from the source of the St. Croix to these highlands wherever it might be determined they were. This proposition was declined by Great Britain, who made a counter proposition of a northern line from the St. John to the St. Croix and down the St. John to its southwesternmost source. This in turn was declined by the United States, who next proposed that if Maine would consent, the boundary be the St. John from source to mouth. Again Great Britain declined, and this was the status of the case when Jackson retired from the Presidency.\*

Meanwhile the Oregon country furnished a source of contention between the two countries. When the convention of 1818 was signed, Article III. provided that the Oregon country, with its harbors, rivers, creeks and bays, was to remain open to the people of both countries for a period of ten years. When this period was about to expire the governments of both countries expressed a desire to

settle the dispute as to the ownership, or to continue the agreement about to expire. In the latter part of 1826, therefore, the old claims were taken under consideration. At the first conference the British representative offered as a boundary the 49th parallel from the crest of the Rocky Mountains to the northeasternmost branch of the Columbia, and down that river to the sea. Gallatin offered the 49th parallel from the mountains to the sea, but stipulated that should the line cross any branches of the Columbia at points from which boats might descend to the main stream, they and the Columbia should forever be open to the people of both countries; that the people of neither nation should settle on the territory of the other; and that such settlements as had been established in the territory of one nation by the citizens or subjects of the other should be held by them for not longer than ten years. The British replied that the north bank of the Columbia must be under their jurisdiction and that they must have the right of navigating that river to and from the sea, but that they would concede to the United States a detached piece of country on the Pacific and the Strait of Juan de Fuca from Bullfinch Harbor to Hood's Canal. Gallatin based the American claim on the Louisiana purchase and the consequent acquisition of the French title to the country; on the treaty of 1819 with Spain and the resulting acquisition of Spanish titles

\* McMaster, vol. v., pp. 475-477.

above the 42d degree; on the discovery of the mouth of the Columbia by Gray in 1792; the explorations of Lewis and Clark; on the settlement of Astoria; on the virtual recognition of American title by Great Britain in 1818; and on the doctrine of contiguity which had always been maintained by Great Britain. The British replied that the province of Louisiana was the country drained by the Mississippi, and that the region drained by the Columbia had never been a part of it. Even admitting that it had once been a part of Louisiana, France had ceded all territory west of the Mississippi to Spain in 1763; and as the title was in Spain, Gray had discovered a river, Lewis and Clark had explored, and Astor had settled in a country which belonged to Spain; that the Spanish claims because of discovery prior to 1790 had been cut off by the Nootka convention between Spain and Great Britain; that the rights above the 42d degree secured by the United States under the treaty of 1819 with Spain were only such as Spain possessed after the Nootka convention, which were simply to trade and settle in that region and to navigate its waters in common with Great Britain. So far as discovery, exploration and settlement were concerned, the British negotiators replied that Lieutenant Meares of the Royal Navy had entered the Columbia four years before Captain Gray; that the Lewis and Clark exploration was of no conse-

quence, as the country traversed by them came under the Nootka convention of 1790; that the Northwest Fur Company had established posts on the northwest branch of the Columbia and was extending them down that river before Astoria had existed; and that Great Britain merely claimed the rights of trade, navigation and settlement, and not exclusive possession. At this time an agreement as to the boundary was impossible and the attempt was abandoned. On August 6, 1827, a new convention was drawn and joint occupation continued indefinitely, to be terminated at any time by either party after one year's notice to the other.\*

The Oregon country now began to attract the attention of settlers from the East, and by 1828 several associations or committees of adventurers had been formed. On December 23, 1828, after the second session of the Twentieth Congress had convened, a bill was introduced providing that a territorial government be established for the whole country up to 54°40'; that the region be occupied by military force; that a fort be erected; that a board of entry be designated; and that donations of land be made to settlers. The debates that ensued on this measure show how little the men of that period realized the remarkable possibilities of the country. The chief obstacle to establish-

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\* Von Holst, *Constitutional and Political History*, vol. iii., pp. 42-44; McMaster, vol. v., pp. 476-479.



ing authority in the region seemed to be its great distance from the seat of the National government. In speaking of the measure on December 29, Edward Bates, subsequently Attorney-General under Lincoln, said:

"Now, what would be the consequence, supposing the bill to pass and thereby to give a social existence to the country? They had from the Missouri to the salt waters of the ocean, thirteen or fourteen hundred miles, and from the mouth of the Missouri to the head of navigation say two thousand five hundred miles. There was then the rugged and almost impassable belt of the Rocky Mountains; and nineteen twentieths of the space between the Missouri and the Pacific ocean, beyond the culturable prairies which were not above two or three hundred miles, was a waste and sterile tract, no better than the Desert of Sahara \* \* \*. The country west of the mountains \* \* \* was composed of rocky and stony ridges, interspersed occasionally with spots of ground giving life to nothing but the spruce, the hemlock, and other trees of a similar description. The soil, where there was any, in the lower ground, was formed merely of rotted pine leaves, and even that was swept away by the inundation which periodically covered the land on the banks of the river. To-day the extremity of drought would prevail; to-morrow, all, except the hills, would be submerged in the floods. \* \* \* It was his firm belief that if a settlement were made and agriculture attempted on any scale, large or small and with any means, [the settlers] would not remain two years; they could not endure the incessant rains of four months' duration. \* \* \*

"Suppose, for the sake of argument, the objects of the bill fully accomplished, suppose the paternal care of Government had fostered the infant settlement into a vigorous maturity—could it be supposed that a brotherhood of affection, a community of feeling and of interests, would prevail between that distant and solitary member of the family and those which remained firm and united together at home? \* \* \* The very name of the place appeared expressive of its poverty and sterility, for it derives its name from an herb resembling pennyroyal, or perhaps, approaching as nearly hyssop, growing near the coast, and called in Spanish *oregano*."

James C. Mitchell, of Tennessee, then spoke as follows:

"When we contemplate the vast extent of the fertile territory which spreads to the east and south of the Rocky Mountains, adapted to all the purposes of agriculture and inviting to industry and to enterprise, we may well be led to wonder what can induce any adventurer to seek the inhospitable regions of Oregon, unless, indeed, he wishes to be a savage. \* \* \* At what period do gentlemen suppose that the population of this happy republic will have filled up the extent of fair and fertile territory which spreads within our present boundaries? At what distant day will the pursuits of agriculture and all the train of the mechanic arts have taken full possession of this immense region? Sir, that period is so distant that no gentleman of the most prolific mind can ever look forward to it. Not even within the reach of fancy itself can the advocates of this bill point out the time when Oregon Territory will have to be organized \* \* \*. But it has been said by some gentlemen that we ought to take possession of this territory, because if we do not, some other power will. Well, suppose they do, what shall we lose? What disadvantage shall we suffer? It is a territory which we ought never to inhabit, and which I hope we shall never inhabit. Why? In the first place because it is situated at such an immeasurable distance \* \* \* from our seat of Government; insomuch that there never can be or will be any intervening links sufficient to unite it with the residue of our country. It is utterly impossible to conceive, if we do plant a colony there, that it will ever form a part and parcel of this Government. \* \* \* It seems to be the decree of Nature herself that the Rocky Mountains shall be the western boundary of this Republic. She has interposed a country of four hundred miles in extent, of the most barren, sterile character, a country without timber and without water, a country wholly unfit for the occupation of civilized man, while above and beyond it those mountains rear their snowy and impassable tops many hundred feet higher than the summits of the Council Bluffs. They stand like a Chinese wall, and must forever and effectually guard us from all attacks from that quarter. Should any foreign power ever be so senseless as to take possession of Oregon, she can never injure the United States on that side.

"But admitting it were possible for us to settle such a colony, what will be the result? \* \* \* The next step will be to erect it into

\* *Register of Debates*, vol. v., pp. 127-129; Benton, *Abridgment*, vol. x., pp. 275-279.

a territory; and then you will be called on to turn this territory into a State; and what then? It can be but a few years before such a State must, by its own weight, fall off from this confederacy. You have no practical means to connect such a State with the rest of the Republic. No delegate or representative can come thence to this House and return again within twelve months. Let his journey average twenty-five miles a day, which is a very liberal allowance, and it will take him three hundred and sixty-eight days to come here and return. His mileage will amount to nearly four thousand dollars, and he be paid him for no other service but travelling, as no time will be left for legislation. \* \* \* No, sir, let those restless spirits who cannot be content to cultivate their native soil, \* \* \* let such beings go to Oregon, or anywhere else, but let them go at their own risk.”\*

Others, however, took a more hopeful view of the situation, declaring that Oregon was not the desert waste the opponents of the bill had represented, but was a fertile region, well watered and wooded and in time would be of immense value to the country. Their words, however, had little effect and the belief prevailed that to organize it as a Territory and to spread over it the laws of the United States would violate the convention of 1827. Accordingly on January 9, 1829, by a vote of 99 to 75, the House refused to order the bill to a third reading.† For a time, therefore, the subject was dropped.

There was still another subject of dispute with Great Britain which threatened to be serious — the closing of the West Indies to American vessels. As we have seen, the Jay treaty

granted little to the United States in respect to trade with the West Indies, and in 1815 another effort had been made to put colonial trade on the same footing as direct trade with the mother country. Again Great Britain refused, shut our ships from the Islands, and laid almost prohibitive duties on American provisions even when brought in British ships. In 1816 Nova Scotia and New Brunswick imposed a duty of 20 shillings per ton on plaster of paris if taken by an American coaster from any port in those provinces to American ports east of Boston. The United States retaliated on March 3, 1817, by the plaster of paris act, under the terms of which foreign vessels could not bring plaster of paris to United States ports unless such vessels came from ports equally free to American ships. Nova Scotia and New Brunswick thereupon repealed their instructions and on April 15, 1818, Congress passed a navigation act directed against the British West Indies, providing that no vessel owned either wholly or in part by a British subject could enter the United States if it came from a British port from which American-owned vessels were excluded. It was provided also that a British ship clearing from American ports with American products should give bonds not to land her cargo at any British port closed by the first section of the act. The governors of the West Indies protested, and the British government on May 8, 1818,

\* *Register of Debates*, vol. v., pp. 134-137; Benton, *Abridgment*, vol. x., pp. 282-283.

† *Register*, pp. 137-153, 168-175, 187-195; Benton, vol. x., pp. 283-295, 300-306, 311-315.

constituted Halifax and St. John free ports in which West Indian products could be exchanged for American goods. Congress again retaliated on May 15, 1820, by closing American ports to British vessels from New Brunswick, Nova Scotia, Lower Canada, Newfoundland, Cape Breton, the Bahamas, Bermuda, Caicos, and from every port or place belonging to Great Britain in the West Indies or on the continent of America south of the United States, requiring also that British West Indian goods must be imported direct from the place of production. This forced Parliament to pass an act on June 24, 1822, admitting American ships laden with certain goods into specified ports of Canada, Newfoundland, Nova Scotia, New Brunswick, and the West Indies, but American goods were taxed 10 per cent. higher than similar articles coming from the British North American colonies.\* On August 24, 1822, President Monroe issued a proclamation† opening the ports of the United States to vessels of Great Britain employed in the trade and intercourse between the British Islands and colonies, but the products were to be subject to a similar duty of 10 per cent. when brought in British vessels, and a further duty of \$1 per ton was imposed. On March 1, 1823, however, Congress passed an act reducing the tonnage duty to 96 cents and limiting

British ships to a direct trade between the colonies and the United States. On June 17, 1823, Great Britain retaliated by imposing a duty of 4s. 6d. per ton on American ships trading in the West Indies. As a result, an illicit trade sprang up, smuggling flourished, and thousands of dollars' worth of goods passed through the custom houses duty free, under fictitious names. Two years later Great Britain revised her policy and by acts of June 27 and July 5, 1825, offered reciprocity to nations having colonies, but to nations without colonies she offered the trade in her colonial ports that was given to her and her colonies in their ports, provided this proposition were accepted within a year. These acts were never officially made known to the United States, but the act of July 5 was submitted to Congress. That body took no action, and the minute the session closed Adams sent Albert Gallatin to London to reopen the negotiations.\* Gallatin arrived in London in August of 1826, but before he had time to act he was met

"by an order of the British Council† excluding from and after the first of December now current the vessels of the United States from all the colonial British ports, excepting those immediately bordering on our territories. In answer to his expostulations upon a measure thus unexpected, he was informed that, according to the ancient maxims of European nations having colonies, their trade is an exclusive possession of the mother country; that all participation in

\* *American State Papers, Foreign Relations*, vol. v., pp. 231-240.

† Richardson, *Messages and Papers*, vol. ii., pp. 184-185.

\* Schouler, *United States*, vol. iii., p. 392 et seq.; McMaster, vol. v., pp. 483-487.

† For text see *Niles' Register*, vol. xxxi., pp. 77-79.



it by other nations is a boon or favor not forming a subject of negotiation, but to be regulated by the legislative acts of the power owning the colonies; that the British government therefore declines to negotiate concerning it, and that as the United States did not forthwith accept purely and simply the terms offered by the act of Parliament of July, 1825, Great Britain would not now admit the vessels of the United States even upon the terms on which she has opened them to the navigation of other nations." \*

The motive of this peremptory refusal to treat was not clear, even placing the conduct of the United States in its most unfavorable aspect, but Canning avowed a purpose of ascertaining whether by allowing trade with the rest of the world and prohibiting it to the United States, the West Indies could be made independent of the United States.† In the face of such an experiment, the United States could only resort to the old system of retaliation. In his message of December 4, 1827, Adams said:

"The British government have not only de-

clined negotiation upon this subject, but by the principle they have assumed with reference to it have precluded even the means of negotiation. It becomes not the self-respect of the United States either to solicit gratuitous favors or to accept as the grant of a favor that for which an ample equivalent is exacted. It remains to be determined by the respective governments whether the trade shall be opened by acts of reciprocal legislation." \*

Congress had been unwilling to settle the difficulties. The subject had been discussed at great length early in 1827, but at the last moment a bill was lost by a disagreement. Accordingly the only thing Adams could do was to issue a proclamation on March 17, 1827:

"that the trade and intercourse authorized by the said act of Parliament of the 24th of June, 1822, between the United States and the British colonial ports enumerated in the aforesaid act of Congress of the 1st day of March, 1823, have been and are, upon and from the 1st day of December, 1826, by the aforesaid two several acts of Parliament of the 5th of July, 1825, and by the aforesaid British order in council of the 27th day of July, 1826, prohibited." †

## CHAPTER XXXVI.

1824-1828.

### THE TARIFF CONTROVERSY.

The growth of industries — The demand for protection — Debate on the tariff of 1824 — Passage of the act — Threats of Hayne and Randolph — Dissatisfaction with the tariff — Recommendations of the Harrisburg Convention — The woolens bill of 1827 — Southern opposition to tariff revision — Debate on and passage of the "tariff abominations" in 1828 — Influence of politics on the tariff — Propositions of retaliation and nullification — Denunciation and protests of the Southern States.

Meanwhile the country had been passing through an industrial revolution. Cotton-growing had been made

wonderfully profitable by the Whitney cotton gin, while the inventions of Hargreaves, Arkwright and Crompton had stimulated the demand for cotton. The combination of these two factors, the great demand for the article, and

\* Second annual message of President Adams, December 5, 1826, Richardson, *Messages and Papers*, vol. ii., p. 355; *Niles' Register*, vol. xxxi., p. 236. For Gallatin's letters see Gallatin's *Writings*, vol. ii., p. 321 *et seq.* See also Adams, *Life of Gallatin*, p. 615 *et seq.*; *Niles' Register*, vol. xxxi., p. 266 *et seq.*

† Schouler, *United States*, vol. iii., p. 394.

\* Richardson, *Messages and Papers*, vol. ii., p. 383.

† *Ibid.*, vol. ii., pp. 375-376.

the possibility of supplying it with ease and profit, made cotton planting the great industry of the South. The production had increased by leaps and bounds within a comparatively short time — from 2,000,000 pounds in 1791 to 280,000,000,000 in 1821. Owing to the devotion of her energies to this single industry, the South had neglected other trades and industries. Her great natural resources were left undeveloped, and machine-shops, factories, rolling mills, cotton mills, mines, etc., were comparatively unknown.\* In the North, on the other hand, everything which served to develop the material resources or to increase the prosperity and comfort of the people was assiduously cultivated. Better times and a general revival of business had followed the depression of 1819, when manufacturing establishments began to multiply. In 1825 the largest cotton mill in the country was located at Saco, Maine. In New Hampshire 60 others could be counted, while in the same state there were more than 300 tanneries, 200 bark mills and numerous paper mills. Middlebury, Vermont, had become an important manufacturing town. In Massachusetts there were 161 mills and factories, capitalized at \$30,000,000, while in Providence, Rhode Island, and its neighborhood were 150 manufacturing establishments, em-

ploying 30,000 men and women. Providence then claimed to be the wealthiest city of its size and population in the world. Each year cloth valued at \$18,000,000 came from the cotton mills in New York, whose people also raised wool and made hats, paper, glass, iron, and leather in great quantities. At Jersey City were carpet, glass and porcelain works, and at Paterson cotton, flax, and iron factories. In Philadelphia were 400,000 weavers; hat-making was the principal industry of Reading; in the little county of Delaware were 157 mills and factories; and Pittsburg was the centre of the great coal and iron industry.\*

It was inevitable that the development of new industries should give rise to a demand for protection by the Government. Several bills with this object in view had been introduced, but had failed to pass.†

When the Eighteenth Congress met it was to be expected that domestic industries would receive greater protection, for Clay was again Speaker and the States which favored a new tariff had more representatives in the House than ever before. In his message of December 2, 1823, President Monroe recommended “a review of the tariff for the purpose of affording additional protection to those articles which we are prepared to manufacture, or which are more im-

\* See Von Holst, *Constitutional and Political History*, vol. i., chap. ix.

\* McMaster, vol. v., pp. 229-230.

† See Chapters XXVI. and XXXI., *ante*.

mediately connected with the defence and independence of the country.”\* His words were referred to the Committee on Manufactures, and on January 9, 1824, a bill was reported arranging imported goods, wares and merchandise into two classes.† The first class consisted of silks, linens, cutlery from Great Britain, spices from the Indies, and numerous articles manufactured in foreign countries, the importation of which would not interfere with home industries. On these articles a tariff for revenue was to be laid. In the second class were cotton cloth, cotton bagging, wool and woolen goods, hemp, glass, iron, and lead, on which a highly protective duty was to be laid. While the committee was laboring with the bill, various petitions and memorials were presented, both favoring and opposing tariff revision.‡ The cotton and wool manufacturers, the growers of wool, the mechanics of the great cities, and those whose business was languishing because of competition with British goods, favored protection; while the grain manufacturers, hardware dealers, the tallow candler, and various other merchants opposed revision.

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\* Richardson, *Messages and Papers*, vol. ii., p. 216. See also Thompson, *History of Protective Tariff Laws*, chaps. xv.-xvi.

† For text see *Annals of Congress*, 18th Congress, 1st session, pp. 960-965; *Niles' Register*, vol. xxv., pp. 315-317.

‡ Bishop, *History of Manufactures*, vol. ii., p. 290; O. L. Elliott, *The Tariff Controversy*, p. 231 *et seq.*; *Annals of Congress*, 18th Congress, 1st session, pp. 207-208, 3075-3105, 3107-3166, 3172-3190.

The anti-protectionists urged that Congress had no right to tax imports to foster manufactures; that many of the articles on which it was planned to lay a duty were greatly needed by the South, and if heavily taxed would have to be purchased from the North at much higher prices; that the agriculturists should not pay tribute to the manufacturers, etc. The commercial element among the anti-protectionists claimed that, instead of regulating commerce, the bill would destroy it and throw thousands of ship-builders, canikers and others out of work, or at least compel them to seek employment in trades with which they were unfamiliar.

Discussion of the bill began in the House on February 10. The protectionist majority was not so great as some had anticipated, and it melted away under the skillful leadership of the opposition. Even the majority in favor of going into Committee of the Whole was small—93 to 82. On some of the amendments proposed during the early part of the debate the majority was 30 or more; for example the motion to reduce the duty on woolen goods from 30 to 25 per cent. was defeated by a vote of 106 to 71. When the opposition failed to break the protection majority by radical amendments, it singled out weaker points and through these succeeded in greatly damaging and impairing the integrity of the bill. As originally reported, the bill provided that on all articles granting bounties by the



country from which they were exported, the amount of such bounty should be added to the duty on importation into the United States. The opposition claimed that this infringed the commercial treaty with Great Britain which forbade the imposition of higher duties on its products than on similar products from other countries. Accordingly the section was struck out by a vote of 114 to 36. The protectionists suffered another bad defeat when the Committee of the Whole and the House rejected the principle that goods made of mixed materials should be classed as manufactures of the material charged with the highest rate of duty. The debate continued in the House until April 16, when the bill was passed by a vote of 107 to 102.\* It was received by the Senate on April 19; was referred to the Committee on Commerce and Manufactures, by whom it was reported with amendments on April 24; was under discussion in the Senate from April 28 to May 13, when it was passed by that body by a vote of 25 to 21.† A conference committee adjusted the differences between the two

Houses and on May 22 the President approved the bill.\*

The debate on this bill was one of the ablest and most profound in the history of Congress. It was said that protection on manufactures was unequal, burdensome and unjust, for the North and East had capital, population, and free labor, while the West had no and the South but little capital, and that the latter section had only a sparse population and slave labor. If the bill were passed, the mercantile interests would be ruined and thousands of persons thrown out of work. The ability to purchase being cut off, the merchants would lose their custom and imports would decrease. With a decrease of imports would come a diminution of revenue, and that meant increase of debt and taxation. James Hamilton, of South Carolina, said that the Constitution granted Congress no power to encourage manufactures, but simply gave the power to impose duties on imports for revenue purposes.† But every revenue law must be uniform throughout the country. As the proposed measure was not uniform in its taxation, it was unjustifiably wrong,

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\* For the debate in the House see *Annals of Congress*, 18th Congress, 1st session, pp. 1469-1502, 1506-1528, 1540-1590, 1612-1616, 1625-1661, 1665-1701, 1705-1731, 1735-1761, 1791, 1857-1873, 1880-1904, 1907-1913, 1915-1945, 1962-2343, 2357-2395, 2400-2430, 2620-2629, 2632-2635, 2672-2675; Benton, *Abridgment*, vol. vii., pp. 666-679, 694-698, 707-761, and vol. viii., pp. 9-37.

† For the entire debate in the Senate, see *Annals of Congress*, 18th Congress, 1st session, pp. 583-744, 754-757, 759, 765; Benton, *Abridgment*, vol. vii., pp. 568-586.

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\* Stanwood, *Tariff Controversies*, vol. i., pp. 202-206; Von Holst, *Constitutional and Political History*, vol. i., p. 403; Benton, *Thirty Years' View*, vol. i., p. 34. Schouler (*United States*, vol. iii., p. 298) gives the votes a little differently. For text see *Annals*, pp. 3221-3226. *Niles' Register* (vol. xxvi., pp. 121-124) gives the text as it passed the House and on pp. 207-209 as it became law.

† Von Holst, *Constitutional and Political History*, vol. i., pp. 401-402.

for the people of South Carolina would pay \$563,000 on the cotton bagging, woollens, etc., they consumed each year, which sum was raised by taxation for the avowed purpose of being given to the woolen manufacturers of the North and the cotton bagging makers of Kentucky.\*

Besides discussing the general principles of tariff policy, various specific items were singled out for debate. A motion was made to reduce the duty on woolen goods from 30 to 25 per cent. The Committee on Manufactures originally proposed to lay a duty of 30 per cent. until June 30, 1825, and of 33 1/3 per cent. thereafter; that all woolen cloths or cloths of which wool was a component material, with the exception of carpets, carpetings, flannels, baizes, and other unmilled woolen or worsted stuff-goods, which, with an additional 10 per cent., should cost less than 80 cents per square yard at the place of exportation, should be considered as having cost 80 cents and on this basis the duty should be levied; that a similar minimum of 40 cents per square yard be placed on flannels, baizes, and other unmilled woolen goods; and that Brussels and other higher grade carpets should pay 50 cents per square yard and other carpets and carpetings 20 cents. In its final amended form the bill laid a tax of 30 per cent. until June 30, 1825, on all manufactures of wool, save blankets and worsted stuff-

goods (which paid 25 per cent.), and thereafter 33 1/3 per cent.; but there was a proviso that only 25 per cent. should be levied on such manufactures, save flannels and baizes costing more than 33 1/3 cents per square yard at the place whence imported. Thus the minimum clause had been stricken out and a contrary policy adopted that the lower-priced goods should bear a lower instead of a higher rate than the high-priced goods. At first the Committee had voted to retain the woolen clauses by a vote of 106 to 71, but later Tod moved that the minimum on high-priced woollens be reduced to 40 cents. This caused so much surprise among the advocates of the bill that the motion was withdrawn. A motion was made and passed that the minimum clause be stricken out altogether, but the friends of the bill finally succeeded in rejecting this amendment. The Senate, however, radically amended the clauses and the House was obliged to submit.\*

There was little debate on the clauses relating to cotton goods, since the bill did not propose to raise the duty but merely to change the minimum from 25 to 35 cents. As all goods costing less than 25 cents per square yard were assessed at 25 cents, this was equivalent to laying a specific duty of at least 6 1/4 cents per yard. Since the cost of goods had been lowered by competition, this rate was

\* McMaster, vol. v., pp. 233-234.

\* Stanwood, *Tariff Controversies*, vol. i., p. 226 et seq.; Dewey, *Financial History*, pp. 174-176.

prohibitory and American manufacturers no longer feared their foreign rivals. The only advantage of raising the minimum would be to enable the Americans to make finer goods. The anti-protectionists endeavored to abolish the minimum altogether and, while they did not succeed, prevented it from being raised to more than 30 cents. There were other contests on hemp, cotton bagging, and iron duties. The Northern opponents of the bill wanted free hemp for the benefit of their shipping and the Southerners wanted free bagging for their cotton, and both succeeded in reducing the rates originally proposed in the bill, which were 2 cents a pound on hemp and 6 cents per square yard on cotton bagging. The provisions of the act as passed levied a duty of \$35 per ton on hemp and 3¾ cents per square yard on bagging. Under the act of 1816 the duty on bar iron was 75 cents per hundred-weight and the committee suggested that this be raised to \$1.12. The opponents of the bill endeavored to retain the old rate and finally succeeded in compelling the protectionists to be satisfied with a rate of 90 cents.\*

In the Senate the debates added little to the discussion in the House, but one speech was made which deserves to be mentioned in the light of the events of the next few years. On April 30, in speaking of the constitu-

tionality of the bill, Robert Y. Hayne, of South Carolina, said:

"I must be permitted while on this topic, to declare that, however this bill may be modified, still the system is one against which we feel constrained, in behalf of those we represent, to enter our most solemn protest. Considering this scheme of promoting certain employments at the expense of others as unequal, oppressive, and unjust, viewing prohibition as the means and the destruction of all foreign commerce the end of this policy—I take this occasion to declare that we shall feel ourselves justified in embracing the very first opportunity of repealing all such laws as may be passed for the promotion of these objects. Whatever interests may grow up under this bill, and whatever capital may be invested, I wish it to be distinctly understood that we will not hold ourselves bound to maintain the system; and if capitalists will, in the face of our protests and in defiance of our solemn warnings, invest their fortunes in pursuits made profitable at our expense, on their own heads be the consequences of their folly."\*

John Randolph was not so careful of his words:

"I do not stop here, sir, to argue about the constitutionality of this bill; I consider the Constitution a dead letter; I consider it to consist, at this time, of the power of the General Government and the power of the States—that is the Constitution. \* \* \* If, under a power to regulate trade, you prevent exportation; if, with the most approved spring lancets you draw the last drop of blood from our veins, if *secundum artem*, you draw the last shilling from our pockets, what are the checks of the Constitution to us? A fig for the Constitution! When the scorpion's sting is probing to the quick, shall we stop to chop logic? \* \* \* There is no magic in this word *union*."

For a time everything went well under the new tariff. Money, hereto-

\* Stanwood, *Tariff Controversies*, vol. i., p. 231 et seq. See also Taussig, *Tariff History*, p. 74 et seq.; Bishop, *History of Manufactures*, vol. ii., pp. 291–293.

\* *Annals of Congress*, 18th Congress, 1st session, p. 649. For an estimate of Hayne's influence upon the tariff bill, see Jervey, *Robert Y. Hayne and His Times*, pp. 154–157. Jervey (pp. 158–167) gives a splendid resumé of the entire speech.



fore invested in ships and foreign commerce, was withdrawn and employed in the erection of cotton mills, woolen mills, factories, etc., but soon conditions arose which prostrated the wool and woolen industries. The multiplication of mills tended to bring down prices, and woolen goods began to be imported from Great Britain in immense quantities. This latter condition had been due to several causes. Great Britain had reduced the duty on imported wool from twelve pence to one penny a pound, which enabled English manufacturers to sell woolen goods cheaper than ever before.\* British markets had become overstocked and an industrial crisis faced the British manufacturers, as a result of which they pushed their goods into foreign markets and were even willing to sell them at a loss.† Again, the duty on woolen cloth was *ad valorem* and the British manufacturers broke down the tariff by undervaluing their goods. Another cause was the package sales at auction. The American manufacturer could not contend against such conditions, for while about half the wool needed by the mills was of domestic growth, the other half came from foreign countries. To the prices of foreign goods must be added an import duty of 30 per cent. and freight charges, exchange, insurance, etc., which added 25 per cent. more. Hence, for half the raw material used American

manufacturers paid 50 per cent. more than English manufacturers. Thus the American manufacturer lost one-half the benefit of the duty of 33⅓ per cent. which had been imposed on imported cloth. The struggle between British and American woolen manufacturers was therefore short and decisive and by 1826 the woolen industry was prostrate.\*

Again, some were of the opinion that the bill encouraged manufactures at the expense of agriculture. In December of 1824 the tariff act passed at the previous session of Congress was taken under discussion in the South Carolina legislature, at which time a committee reported that if the bill harmed the agricultural interests, it would meet with decided disapproval. However, as the Federal judiciary had not decided whether or not the act was constitutional no action was taken at this time, but three resolutions were adopted: that the legislature had no power to impugn the acts of the Federal government or the Supreme Court decisions; that the exercise of such a power by the State would be an act of usurpation; and that the Representatives were responsible only to the people themselves.†

The first public movement for the purpose of remedying these conditions was instituted at a meeting of manufacturers of woolen goods at

\* Taussig, *Tariff History*, p. 79.

† Dewey, *Financial History*, p. 176. See also *Niles' Register*, vol. xxxi., pp. 26-28, 49-57.

\* McMaster, vol. v., pp. 240-241.

† David F. Houston, *Critical History of Nullification in South Carolina*, in *Harvard Historical Studies*, vol. iii., p. 30.

Boston on September 14, 1826. It was then unanimously decided to petition Congress for an increase of duties.\* At an adjourned meeting on October 23, a memorial was adopted in which the reasons for the request were given at length.† This memorial stated that the country could not produce enough wool to supply the demand, that the importation of wool was a necessity, and that the cost of the foreign article controlled the price of the domestic supply. While the duty on foreign wool had been increased 15 per cent. by the tariff of 1824, the duty on manufactured goods had been advanced only 8 per cent. But the woolen manufacturers did not ask for a change in the duty on wool, as that would add to their burden; nor did they ask for an increase of the *ad valorem* duty on manufactured goods; but they simply asked that a specific duty be imposed on each square yard of cloth imported with the adoption of the minimum principle.‡ At the same time (November 10, 1826) a circular was sent to each manufacturer of woolen goods in the United States appealing to him to aid in sustaining American industries, and to organize for the purpose of securing favorable action by Congress and of arousing the people to the importance of granting relief to the woolen industry.||

So numerous did the petitions become that finally Congress was impelled to take action. The petitions were referred to the Committee on Manufactures, and on January 10, 1827, Rollin C. Mallery, of Vermont, chairman of the committee, reported the famous woolens bill.\* This provided that while the duty on woolen goods was still to remain at 33½ per cent., the cloth valued at 40 cents or less per square yard at the place of importation should be considered to have cost 40 cents; that all cloth costing more than 40 cents or less than \$2.50, should be valued at \$2.50; that all cloth costing between \$2.50 and \$4.00 should be valued at the latter figure and pay duty accordingly. The duty on raw wool was to be 35 per cent. after June 1, 1828, and 45 per cent. after June 1, 1829. Wool costing from 10 to 40 cents a pound was to be considered to have cost 40 cents.†

The bill was taken under consideration on January 17 and was debated until February 10, when it was passed by a majority of 11 (106 to 95).‡ Little new was added to the tariff

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\* *Register of Debates*, vol. iii., p. 732; *Niles' Register*, vol. xxxi., p. 319; Benton, *Abridgment*, vol. ix., p. 379; O. L. Elliott, *The Tariff Controversy*, p. 238 *et seq.*

† McMaster, vol. v., p. 242; Stanwood, *Tariff Controversies*, vol. i., p. 255; Faussig, *Tariff History*, pp. 80-81; Bishop, *History of Manufactures*, vol. ii., p. 314.

‡ For the debate see *Register of Debates*, vol. iii., pp. 733-751, 778-788, 791-805, 820-836, 857-878, 881-894, 902-914, 938-948, 957-986, 994-1029, 1053-1099; Benton, *Abridgment*, vol. ix., pp. 379-382, 394-401.

\* *Niles' Register*, vol. xxxi., p. 105.

† *Ibid.*, vol. xxxi., pp. 185-186.

‡ Stanwood, *Tariff Controversies*, vol. 1., pp. 253-254.

|| *Niles' Register*, vol. xxxi., pp. 200-201.

argument, but at this time political intrigues complicated the situation, as C. C. Cambreleng, of New York, who characterized the bill as a "prohibitory act for the benefit of the woolen manufacturers of New England," strongly hinted that the Pennsylvania members make a doubling of the duty on bar iron a condition of their support of the bill. At this time Cambreleng was engaged with Martin Van Buren in securing support for Jackson in opposition to President Adams. Since Jackson had voted for the act of 1824 and had declared in favor of a "judicious" tariff for protection, it was important to deal a blow at New England by refusing its manufacturers relief, and yet not to seem to reject the principle of protection by defeating the bill directly. Thus if Cambreleng could induce protectionist Pennsylvania to oppose the bill, he not only would prevent an increase of the tariff (at the same time serving his New York constituents), but would array Pennsylvania against New York politically and further Jackson's interests. James Buchanan entered heartily into the scheme, but suggested and followed a wiser plan. He emphasized the wrong to be done the hemp growers by giving relief exclusively to woolens. It was feared that through Clay's influence the Kentucky vote would be given for the reelection of Adams. Thus Jackson's friends posed as advocates of the plan to assist the Kentucky hempgrowers, thereby forcing the New Englanders

either to array themselves against Buchanan's scheme or to complicate with other matters the one object they had in view. This shrewd manœuvre accomplished its object since almost all the Kentucky members, and a large number of Pennsylvanians voted against the bill. In the Senate so many motions to refer and recommit were made that the time before the close of the session was too limited to permit of a debate on the merits of the bill. Hayne, of South Carolina, then moved that the bill be laid on the table and the motion was carried by the casting vote of Vice-President Calhoun.\*

The defeat of this bill pleased the people of the South, for it was offensive to them in many ways. South Carolina was particularly outspoken in her opposition, thanking Robert Y. Hayne and William Drayton for their faithful exertions against the bill. Hayne warned the people that the woolens bill would be brought up again the next session and said that the South should firmly and unanimously remonstrate against it.† Acting on this advice, the Charleston Chamber of Commerce framed such a remonstrance and submitted it to the people for adoption.‡ Another memorial was adopted by the people of the Colleton district, in which it was

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\* Stanwood, *Tariff Controversies*, vol. i., pp. 255-259; Taussig, *Tariff History*, p. 82; McMaster, vol. v., p. 242; Hunt, *Life of Calhoun*, p. 64.

† *Niles' Register*, vol. xxxii., pp. 265-266.

‡ *Ibid.*, pp. 295-298.



said that Congress should solemnly consider the precise point at which resistance may begin and submission end on the part of the people of the South.\* The citizens of Richland district, South Carolina, said in their memorial:

"The duties laid by Congress, of whatever description, are levied in great part on articles purchased by Southern industry and consumed by the South; but these duties are expended almost exclusively for the benefit of other sections of the Union. \* \* \* All that we pay is accumulated in defending and improving distant sections of the Union, and the prosperity of the North is built upon the impoverishment of the South. Although we have long submitted without complaint, the inequality and injustice of this state of things is becoming too glaring to remain unnoticed, and the burdens it imposes on us too heavy to be borne in silence any longer."†

The farmers and wool growers of Pennsylvania also united for action, and on May 14, 1827, a call was sent out by the Pennsylvania Society for the Promotion of Manufactures and the Mechanic Arts inviting the friends of the American system in each State to send delegates to a National convention to be held at Harrisburg on July 30, 1827, for the purpose of considering "the present state of the wool-growing and wool-manufacturing interest and such other manufactures as may require encouragement.‡ This appeal was met by a hearty response, and all over the Middle and Eastern States conven-

tions were held and delegates appointed to attend the Harrisburg meeting. The Maine delegates did not attend, but Virginia, Delaware, Maryland and Kentucky were represented. This action gave new cause for offence to the people of South Carolina. In its address the Charleston Chamber of Commerce asked that the towns in the interior of the State coöperate and, moved by the call, the people of Columbia and the planters of that vicinity met on July 2 and listened to a speech by Dr. Thomas Cooper. He read accounts of the election of delegates to the Harrisburg Convention, and then continued:

"You see, then, that is a combined attack of the whole manufacturing interest [of the North]. \* \* \* The avowed object now is \* \* \* to tax us [of the South] for their own emolument; to claim the right of disposing of our honest earnings; to forbid us to buy from our most valuable customers; to force on us a system whose effect will be the sacrifice of the South to the North, by converting us into colonies and tributaries. \* \* \* We shall ere long be compelled to calculate the value of our union; to enquire of what use to us is this unequal alliance by which the South has always been the loser and the North always the gainer? Is it worth our while to continue this union of States where the North demands to be our master? \* \* \* The question is fast approaching the alternative of submission or separation. Most anxiously would every man who hears me wish on fair and equal terms to avoid it. But if the monopolists are bent upon forcing the decision upon us, with them be the responsibility."\*

Having finished his speech, Dr. Cooper moved that a set of resolutions be adopted declaring that no law which infringed the equality of rights was unconstitutional; that protecting

\* *Niles' Register*, p. 349.

† *American State Papers, Finance*, vol. v., p. 707. On the petitions and memorial see also McMaster, vol. v., p. 244 *et seq.*; Stanwood, *Tariff Controversies*, vol. i., p. 260 *et seq.*

‡ *Niles' Register*, vol. xxxii., pp. 237-240; Schouler, *United States*, vol. iii., p. 425.

\* *Niles' Register*, vol. xxxiii., pp. 28-32.

one class of citizens at the expense of the rest was also an infringement; that industries which did not yield a reasonable profit were unworthy of protection; that if they did yield a fair return they needed no protection; and that Congress had no right to impose duties for protective purposes. A similar set of resolutions was adopted at Georgetown, South Carolina. In 1827 appeared a series of articles entitled *The Crisis or Essays on the Usurpations of the Federal Government by Brutus* (Robert J. Turnbull, of Charlestown). Brutus called upon his fellow citizens to resist the oppressive policy of the general government. He said that not only was the Government exceeding its powers in the matters of tariff and internal improvement, but the presses were fulminating anathemas against the policy and system of the South, insurrectionary documents were being scattered broadcast, and an insidious attack was being meditated against the tranquillity of the South. Hence the South should warn the Government to mind its own business; it was not a case for reasoning or negotiation; it must be a word and a blow; and if this policy failed, the two sections should separate.\* On July 30, 1827, the Harrisburg Convention began its sessions which lasted five days. Various committees were appointed to prepare memorials and addresses and after these had reported, the reports

were referred to a committee appointed to draft a memorial to Congress. Several resolutions were offered, the most important of which requested a higher duty on wool, specific duties and the establishment of minima upon woolen goods. Resolutions were adopted also recommending a duty of one cent on hammered bar iron, further protection to hemp and flax, a readjustment of the cotton duties so as to protect printed cotton goods, and the discouragement of the importation of distilled spirits and the distillation of spirits from imported materials. It was asked that a duty of 20 cents a pound be levied on all wool costing 8 cents per pound, which duty should be increased annually by 2½ cents until it should reach 50 cents. With certain exceptions, a duty of 40 per cent. on woolen goods was requested, which duty should be increased after one year to 45 per cent. and after two years to 50 per cent. The convention suggested four minima—all goods costing 50 cents or under were to be considered as having cost 50 cents; and the other minima were \$2.50, \$4 and \$6.\* Thus it was evident that the convention wished to put the duty on wool at a prohibitory figure so as to exclude many classes of woolen goods.†

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\* *Niles' Register*, vol. xxxii., p. 388.

† Taussig, *Tariff History*, p. 83; Stanwood, *Tariff Controversies*, vol. i., pp. 264-268; McMaster, vol. v., pp. 249-251. The proceedings of the convention, the address, the memorial, etc., are in *Niles' Register*, vol. xxxii., p. 388 *et seq.*, and vol. xxxiii., pp. 100-112, 123-128, 138-144, 149-160, 171-176, 188-192, 203-207.

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\* Houston, *Nullification in South Carolina*, pp. 49-51.

When Congress convened in December of 1827, Andrew Stevenson, of Virginia, was elected Speaker of the House, and he so constituted the Committee on Manufactures that a majority of its members were anti-protectionists.\* To this committee were referred the various memorials pouring in from all sections of the country, but no action was taken until December 24, 1827, when the memorial of the Harrisburg convention was sent in. The majority of the committee refused to accept this report as a basis for a bill, but instead requested and received permission from the House to send for persons and papers, that an investigation might be made. Mallary opposed this on the ground that it was only a pretext for delay.† While the committee was making these investigations various memorials began to come in from the State legislatures. New York, Pennsylvania and Rhode Island approved a revision of the tariff and protection for cotton, wool, hemp, flax and iron.‡ The South resisted any such attempt. The North Carolina legislature claimed that the power to lay import duties was given for the

purpose of revenue only, and that any other use of that power was a usurpation on the part of Congress.\* The committee appointed by the Senate of South Carolina made a detailed report on the matter which contained six resolutions, one of which declared that the tariff laws, designed not to raise revenue or regulate commerce but to promote industry, violated the Constitution and should be repealed.† The Georgia legislature, after listening to a report of a committee, directed the governor to send copies to Congress and the State legislatures, assuring them at the same time that Georgia would insist on the construction of the Constitution contained in the report, and would submit to no other.‡ In her protest, Alabama said that she regarded the protective tariff as unconstitutional, for the woollens bill amounted to little less than legalized pillage of the property of her citizens, and that every constitutional means would be used to resist it.|| Ohio expressed the belief that the rights of the original States to promote industries by tonnage and import duties had been vested in Congress, and that the Constitution had given that body full power to protect

\* McMaster, vol. v., p. 251; Stanwood, *Tariff Controversies*, vol. i., pp. 268-269; Taussig, *Tariff History*, p. 87. Of the members of this committee, five supported Jackson and two supported Adams. Adams, (*Memoirs of John Quincy Adams*, vol. vii., p. 369) says that Stevenson won the election to the Speakership by promising to appoint a committee favorable to the tariff.

† *Register of Debates*, vol. iv., pt. i., pp. 862-890.

‡ *Niles' Register*, vol. xxxiii., p. 391.

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\* MacDonald, *Jacksonian Democracy*, p. 82.

† *Niles' Register*, vol. xxxiii., p. 275.

‡ These memorials and reports will be found in *Ex. Docs.*, 62, 65, 97, 98, 120, 123, 20th Congress, 1st session, vol. iii. See also *Niles' Register*, vol. xxxiii., pp. 325-328.

|| *Ex. Doc.*, 113, 20th Congress, 1st session, vol. iii. See also Ames, *State Documents on Federal Relations*, vol. iii., pp. 11-19.



manufactures.\* The same view was taken by New Jersey, which State also made a long answer to the remonstrances of Georgia and South Carolina.† Besides the protests and memorials of the various State legislatures, petitions without number poured in from societies, chambers of commerce, manufacturers, wool growers, etc.‡

On January 31, 1828, Mr. Mallary, of the Committee on Manufactures, which had then completed its investigations,|| reported a bill§ prepared evidently in the expectation that it would not pass.¶ Accompanying the bill was a report by Silas Wright explaining the action of the committee, the principles upon which it proceeded, and the particular reasons for the various changes suggested. Nevertheless, though the majority of the committee were anti-protectionists, nothing was said hostile to the protective policy; but, on the other hand, while admitting that they had not gone to the extent proposed by some of the memorials, yet the committee said that they had gone as far as they

believed, from the evidence taken by them, that the condition of the industries affected by them warranted. The only indication of insincerity was the failure of the committee to propose relief to the industry most needing it. Adequate and ample protection was afforded to iron, hemp, flax, molasses, spirits and printed cottons, but the plan of the Harrisburg Convention with respect to woolen goods was rejected.\* Thus the protectionists' demand was denied at the most essential point. As a result the protectionist members of the committee were driven into the anomalous position of protesting against a bill which ostensibly was what they desired and which was supported by arguments familiar in their own mouths. That they might defeat protection or make it as odious as possible, the free traders and the politicians posing as protectionists endeavored to retain in the bill the high duties for which the real protectionists cared little or nothing and to prevent the incorporation of any amendment which would give the protectionists what they wanted.†

The Harrisburg Convention had prepared four minimum points: 50 cents, \$2.50, \$4 and \$6; but the committee changed the last three to \$1, \$2.50 and \$4. The Convention asked also for a progressive duty, 40, 45,

\* *Ex. Doc.*, 156, 20th Congress, 1st session, vol. iv.

† *Ibid.*, 198, 20th Congress, 1st session, vol. v.

‡ These will be found in *ibid.*, vols. ii.-vi. *passim*.

|| The testimony is printed in full in *American State Papers, Finance*, vol. v., pp. 792-832. See also Bishop, *History of Manufactures*, vol. ii., pp. 321-322.

§ The bill as reported is in *Register of Debates*, vol. iv., pt. ii., pp. 1727-1729; *Niles' Register*, vol. xxxiii., pp. 383-384, 393-397.

¶ See the speech of Isaac C. Bates, in *Register of Debates*, vol. iv., pt. ii., p. 1999.

\* Sumner, *Life of Jackson*, p. 204; Bishop, *History of Manufactures*, vol. ii., p. 323.

† Stanwood, *Tariff Controversies*, vol. i., pp. 270-271.

and 50 per cent., but the committee proposed specific duties — 16 cents on the first class (50 cents or under) or a minimum *ad valorem* duty of 32 per cent., 40 cents on the second class (50 cents to \$1), or a minimum *ad valorem* duty of 40 per cent.; \$1 on the third class (\$1 to \$2.50), also 40 per cent.; an *ad valorem* duty of 40 per cent. on the fourth class (\$2.50 to \$4); and 45 per cent. on all goods costing more than \$4 per yard.\* But the protectionists objected to the dollar minimum and to the refusal of a progressive rate of duty. The Harrisburg rate of 40 per cent. on all the goods costing between 50 cents and \$2.50 per yard (that is a duty of \$1 per square yard) would exclude several classes of woolen goods which the manufacturers declared they could make after a time as cheaply as foreigners. The rate proposed was intended to be prohibitory, but the Committee on Manufactures denied them this prohibition.†

The object seems to have been to embarrass the manufacturers and make the bill unpalatable to the protectionists and the Adams men; in fact the bill was ingeniously framed with the intention of circumventing the Adams men, especially those from New England. This object is evident

from several of the provisions of the bill. The exacting duty on hemp was \$35 per ton, but the committee proposed to raise it immediately to \$45 and further to increase it by an annual increment of \$5 until the duty should reach \$60. Kentucky produced large quantities of hemp suitable for making common rope and cotton bagging and for those purposes foreign hemp could not compete with the domestic product. The better quality of hemp suitable for making cordage and cables was not raised in the United States, the supply necessary for these purposes coming exclusively from importations. The preparation of this latter quality required so much disagreeable manual labor that the hemp growers would not undertake its production; hence an increase of the duty would not benefit the American grower and its only effect would be to burden the rope makers and the users of cordage and ultimately the ship-builders and ship owners.\*

The duty on molasses was to be raised from 5 to 10 cents per gallon.

It had been customary to allow a drawback on the exportation of rum distilled from imported molasses. The bill of 1828 and the act as finally passed spitefully refused all drawbacks on rum, the intention obviously being to irritate the New Englanders. Again the animus of the bill appeared in the heavy duty on sail-duck. In 1824 the duty had been 15 per cent., but now the duty was 9 cents a yard

\* Taussig, *Tariff History*, p. 94. Regarding this see also *Niles' Register*, vol. xxxiii., p. 400 *et seq.*

† Stanwood, *Tariff Controversies*, vol. i., p. 272 *et seq.* See also S. B. Harding, *The Minimum Principle in the Tariff of 1828*, in *Annals of the American Academy of Political Science*, vol. vi., pp. 100-114.

\* Taussig, *Tariff History*, pp. 90-91.

with an annual increment of  $\frac{1}{2}$  cent until the duty should be  $12\frac{1}{2}$  cents, thus being equivalent to 40 or 50 per cent. Furthermore all drawback was refused on any quantity less than 50 bolts exported in one vessel at one time. The heavy duties on iron, hemp, flax, and wool were bitter pills for the Adams men, as was the refusal of drawbacks, whereas these provisions served to make the bill popular in the Middle and Western States. The whole scheme was a shrewd political trick, which, according to Clay, had its origin in the fertile brain of Van Buren.\* The Southerners openly avowed their purpose to make the tariff so bitter a pill that the New Englanders could not swallow it.† As McDuffie afterward said: "We determined to put such ingredients in the chalice as would poison the monster and commend it to his own lips."

All the amendments offered by the protectionists were defeated and on April 3, 1828, the bill was reported to the House by the Committee of the Whole.‡ There the arguments were practically the same, and at last the House came to the final question.

It had been agreed that Jackson's friends of all shades, the protectionists of the North and the free-traders from the South would unite to stop

any amendment and to force a vote on this bill, and on no other. When the final vote was taken, the Jackson men from the Southern States were to vote against it, and as it was supposed that the New England men would do likewise, the bill would thus be lost. The Jackson men from the North were to vote in favor of the bill, and thus the obloquy of defeating it would be cast on the Adams men, while the Northern supporters of Jackson would be able to pass as the true friends of the American system.\* But the plan did not operate as had been intended, and the bill was passed by the House on April 22 by a vote of 105 to 94.† Save three members from Virginia and the entire Kentucky delegation, all the Representatives from States south of Maryland voted against the bill, as did the free-traders of the North. The whole Pennsylvania delegation except three absentees, 26 of the 34 New York members, 11 of the 13 Massachusetts members, 5 of the 7 New Hampshire members, and all of the Ohio, Kentucky and Vermont members voted for it.‡

\* See his speech of February 1832 in his *Works*, vol. ii., p. 13.

† Taussig, *Tariff History*, pp. 93, 95, 97.

‡ For the debate see *Register of Debates*, vol. iv., pt. ii., pp. 1729-1797, 1835-1909, 1924-1945, 1978-2050, 2054-2079, 2089-2132, 2135-2156; Benton, *Abridgment*, vol. x., pp. 54-70, 74-77, 83-89.

\* Taussig, *Tariff History*, pp. 84-86, 88-89; McMaster, vol. v., p. 255. The details of the plan are in Calhoun's *Works*, vol. iii., pp. 46-51. An account will be found also in Hammond, *Political History of New York*, vol. iii., p. 159; Dewey, *Financial History*, pp. 177-179.

† *Register of Debates*, vol. iv., pt. ii., pp. 2162-2188, 2199-2373, 2381-2406, 2413-2472; Benton, *Abridgment*, vol. x., pp. 90-118.

‡ Stanwood, *Tariff Controversies*, vol. i., p. 281. Taussig, (*Tariff History*, p. 98) divides the 105 yeas into 61 Adams men and 44 Jackson men. See also Sumner, *Life of Jackson*, p. 211; Dewey, *Financial History*, p. 180.



The bill then went to the Senate, where discussion began on May 5. After several unimportant amendments had been disposed of, the question of the molasses duty came up, the House having fixed the rate at 10 cents per gallon—virtually a prohibitory duty, which the Senate proposed to reduce  $7\frac{1}{2}$  cents. But the proposed reduction was rejected, as were many others offered from the floor.\* The debate came to an end on May 12, when the bill was ordered to a third reading by a vote of 26 to 21. The next day, after a motion to postpone indefinitely had been defeated, the bill was passed by the same vote.† After a brief debate, the House concurred in the Senate amendment,‡ and the bill was signed by the President on May 19. Thus the “tariff of abominations” became law.¶ Bishop says that it was the first act regarded by the manufacturers as really protective of their interests and that it greatly promoted the growth of certain industries.§

The passage of the act seems to have depended largely on Webster, who, having decided to swallow the bill, carried with him enough of the New England Senators to ensure its

passage. Webster said that even at 45 per cent. *ad valorem* the duty on woolens was barely sufficient to compensate for the duty on wool; but as the bill was finally amended so as to be more favorable to the manufacturers than as first passed by the House, he had voted for it.\* While the change in the woolen schedule may have mollified the New Englanders, undoubtedly “other paramount considerations,” as Webster put it, or in other words political motives, had much to do with its passage, since the New Englanders feared, if they rejected it, that the effect on the approaching campaign would be harmful. Randolph said that the bill “referred to manufacturers of no sort or kind, except the manufacture of a President of the United States.” In 1833 Erastus Root, of New York, made the same assertion in Congress† and Benton intimates the same thing.‡

The passage of this bill gave rise to threats of open resistance.¶ At New York the flags of some of the ships in port were placed at half-mast in mourning over a measure that was expected to give a death-blow to British commerce. At Charleston a

\* Taussig, *Tariff History*, pp. 99–100.

† *Register of Debates*, vol. iv., pt. i., pp. 725–786; Benton, *Abridgment*, vol. ix., pp. 589–604.

‡ *Register of Debates*, vol. iv., pt. ii., pp. 2696–2714.

¶ Stanwood, *Tariff Controversies*, vol. i., pp. 282–288. For text see *Register of Debates*, vol. iv., pt. ii., app., pp. 15–17; Niles' *Register*, vol. xxxiv., pp. 203–205.

§ *History of Manufactures*, vol. ii., p. 324.

\* See his *Works*, vol. i., p. 165, vol. iii., p. 241.

† *Register of Debates*, vol. ix., p. 1104. Regarding the political bearing of the Harrisburg Convention, see the note in Taussig, *Tariff History*, pp. 84–85.

‡ Benton, *Abridgment of Debates*, vol. x., p. 118, note.

¶ Stanwood, *Tariff Controversies*, vol. i., pp. 291–348, discusses at length the constitutional aspects of the tariff and the powers of Congress to afford protection.

similar incident occurred, the British shipmasters with poor taste setting the example which was followed by many Americans.\* At an anti-tariff meeting at Walterborough, South Carolina, on June 12, 1828, addresses to the people and to the governor were adopted. The former address called upon the people to resist the law.

"Not secretly as timid thieves or senklng smngglers, not in companies and associations like money chafferers or stock jobbers, not separately and individually, as if this was ours and not our country's cause, but openly, fairly, fearlessly, and unitedly as becomes a free, sovereign, and independent people."†

The governor was urged to convene the legislature to consult regarding the situation of the republic created by the tariff, and a writer in one of the papers declared that this call meant that the legislature should take measures for the secession of the State. Other addresses and speeches of the same tenor were issued and made, and the people of the South seemed united in opposition.§ But the governor of South Carolina refused to convene the legislature, and in a speech at Columbia on July 4 spoke strongly against disunion.|| One of the members of Congress from Alabama stated that, while he would not submit to oppression, he would resist

disunion.\* Newspaper after newspaper protested that such had not been their aim in opposing the tariff, but George McDuffie never passed an opportunity to recommend even an appeal to arms.† One writer in the *Charleston Mercury*, July 3, 4 and 8, 1828, suggested that the State nullify the law, open the ports, and force the general government to act. Merchants could refuse to pay duties; suits would come before the courts which would declare the law unconstitutional; and a plain issue would be made up between two sovereign parties. Thus the Government would be compelled either to amend the Constitution or to attempt coercion. Should coercion be attempted the course of the minority would be most glorious, but it would be absolutely impossible to amend the Constitution with one quarter of the States in sympathy

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\* See *Niles' Register*, vol. xxxiv., pp. 300-301, 356 and vol. xxxv., p. 59. As to the constitutional right of nullification, Madison wrote to Rives as follows: "It is asked whether a state, by resuming the sovereign form in which it entered the Union, may not, if right, withdraw from it at will. As this is a simple question whether a state, more than an individual, has a right to violate its engagements, it would seem that it might be safely left to answer itself."

\* \* \* One thing at least seems to be too clear to be questioned: that while a state remains within the Union, it cannot withdraw its citizens from the operation of the Constitution and the laws of the Union. In the event of an actual secession, without the consent of the co-states, the course to be pursued by these involves questions painful in the discussion of them."—*Madison's Works* (Congress ed.), vol. iv., p. 290. In general see Curtis, *Constitutional History*, vol. ii., chap. i.

† *Niles' Register*, vol. xxxiv., pp. 302, 329, 339-340.

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\* *Niles' Register*, vol. xxxiv., pp. 201, 249. Regarding its effects see Stanwood, *Tariff Controversies*, vol. 1., p. 350 *et seq.*

† *Niles' Register*, vol. xxxiv., pp. 288-290; McMaster, vol. v., p. 256. See also Houston, *Nullification in South Carolina*, p. 74.

‡ McMaster, vol. v., pp. 255-259.

§ *Niles' Register*, vol. xxxiv., pp. 351-352.

with South Carolina.\* At Edgefield a meeting of citizens on July 26, 1828, recommended that the South suspend all commercial intercourse with the tariff States and in particular to abstain from purchasing the manufactures of the North and the horses, mules, hogs and cattle of the West. A committee was appointed to communicate with committees and meetings of other Southern States to insure union and concert.† Charles C. Pinckney gave a toast at a dinner: "The battle of the 28th of June and the tariff of June 28—Let *New England* beware how she imitates the *Old*."‡ Under the leadership of such men the people began to speak more plainly than ever, and the meetings of the legislatures of both Georgia and South Carolina were anticipated with unusual interest.

It was obvious that something must be done, but few were prepared for the action taken by South Carolina. In his message the governor urged that State to stand firm, for, said he, Congress was attempting to exercise powers not granted by the compact. The State should declare the act unconstitutional, void, and not binding on her people, and should bring this momentous question before every tribunal known to the Constitution and the laws, but should not attempt to

separate herself from the other States, nor so act as to excite the hostile feelings of any other section.\* The members of the legislature were in a militant mood, however, and appeared eager not only to denounce the tariff, but to go as far as secession, if such a course became necessary. The consensus of opinion seemed to be that the duties imposed for purposes other than revenue were unconstitutional; that the acts of 1824 and 1828 had been for such other purposes, and were therefore "deliberate, palpable, and dangerous infractions of the Constitution." It was therefore the duty of the State to declare the acts null and void.† Accordingly a committee was appointed in December of 1828 to prepare a protest against the tariff; to make a public exposition of the wrongs and the remedy; and to prepare an appeal to the other States, requesting their coöperation in such measures as might be necessary to stop the progress of the evil. This committee made an elaborate report, originally drafted by Calhoun,‡ expounding at length the doctrine of nullification, and now known as the South Carolina exposition of 1828.||

\* Houston, *Nullification in South Carolina*, pp. 76-77.

† The various resolutions introduced are given in *Niles' Register*, vol. xxxv., p. 304 *et seq.*

‡ As to the manner in which Calhoun became connected with its preparation, see Houston, *Nullification in South Carolina*, pp. 78-79.

|| The original draft of the exposition is in Calhoun's *Works*, vol. vi., pp. 1-59 (ed. of 1855); Cooper's ed. of *Statutes-at-Large of South Carolina*, vol. i., pp. 247-273 (1836); *Niles' Register*, vol. xxxv., pp. 308-309; MacDonald, *Select Docu-*

\* Houston, *Nullification in South Carolina*, pp. 75-76; *Niles' Register*, vol. xxxv., p. 61.

† *Niles' Register*, vol. xxxv., p. 60; Houston, *Nullification in South Carolina*, p. 71.

‡ *Niles' Register*, vol. xxxiv., p. 352.



After discussing the tariff question at large, the exposition ended with a discussion as to when it would be proper to interpose. As the committee knew that Jackson would soon be in the Presidential chair, it was recommended that South Carolina withhold her veto until another session of Congress had passed. This exposition and a set of resolutions to be spread on the Senate journal were adopted on December 19, 1828, and on February 10, 1829, the protest was laid before the Senate and ordered to be printed.\*

The legislature of South Carolina was not alone in its action, for her example had been followed by Georgia and Alabama.† Georgia presented two protests to Congress. One, without date, was read in the Senate on January 12, 1829, and ordered to be printed;‡ the other, dated December 10, 1828,|| (though not approved by the governor until December 20) was

presented in the House on January 14, 1829.\* In this protest it was said that the tariff law was unconstitutional, deceptive in its intentions, fraudulent in its pretext, oppressive in its exactions, partial and unjust in its operations, unconstitutional in its well known objects, and ruinous to commerce and agriculture. The old Crawford party in Georgia opposed nullification. At a meeting at Athens on August 6, 1828, over which Crawford presided, a committee (consisting of Wayne, Troup, Cobb, Gilmer, Clayton and others) reported resolutions denouncing the tariff, but disclaiming all disunion sentiment and favoring constitutional remedies.† North Carolina declared that the new tariff violated the Constitution and was inimical to the interests of the State. Alabama denounced the bill as unconstitutional and as a pillage of the State.‡ The Mississippi Assembly declared the tariff impolitic, oppressive and contrary to the spirit of the Constitution, while Virginia argued that it was not authorized by a strict construction of the Constitution and asserted that each State possessed the right to construe the Federal compact for itself.||

ments. pp. 231-234. For a resumé of the contents of the exposition, see McMaster, vol. v., p. 264 *et seq.*; Von Holst, *Constitutional and Political History*, vol. i., pp. 467-470; Hunt, *Life of Calhoun*, p. 71 *et seq.*; Von Holst, *Life of Calhoun*, p. 76 *et seq.*; G. M. Pinckney, *Life of Calhoun*, p. 57 *et seq.*

\* *Register of Debates*, vol. v., pp. 52-58; Benton, *Abridgment*, vol. x., pp. 242-245.

† These protests are in *Ex. Docs.*, 33, 103, 20th Congress, 2d session.

‡ *Register of Debates*, vol. v., pp. 22-23; Benton, *Abridgment*, vol. x., p. 221.

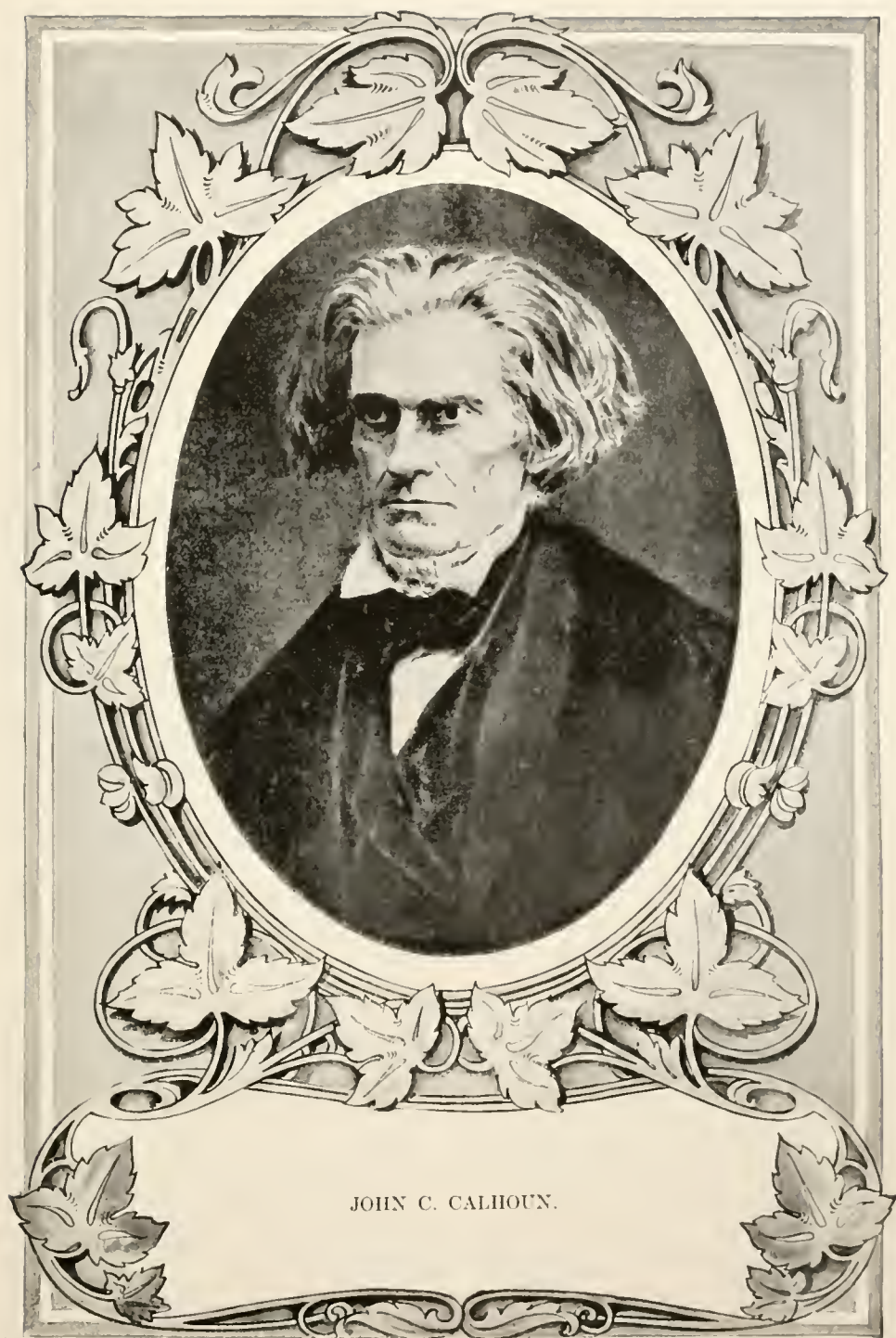
|| Bishop, *History of Manufactures*, vol. ii., p. 333.

\* MacDonald, *Select Documents*, pp. 234-237.

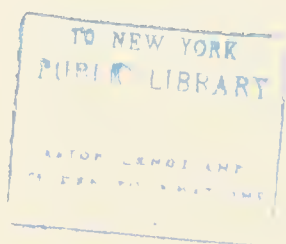
† *Niles' Register*, vol. xxxv., pp. 14-15.

‡ Sumner, *Life of Jackson*, p. 216.

|| MacDonald, *Jacksonian Democracy*, p. 88.



JOHN C. CALHOUN.





## CHAPTER XXXVII.

1816-1829.

## THE NEGRO AND INDIAN PROBLEMS.

Early attempts to colonize negroes — Success of Robert Finley's efforts — The foundation of Liberia — Negotiations with England to prohibit the slave trade — Privileges of the free negroes — The question of slavery in Illinois — Status of the negro in Massachusetts and New York — Restrictions of the South Carolina laws — Aid for the Colonization Society — Activities of Benjamin Lundy and William Lloyd Garrison — The rendition of fugitive slaves — Attempts to abolish slavery in the District of Columbia — Georgia's dispute with the National Government over the Creek and Cherokee lands.

The great increase in negro population presented a problem as troublesome in the North as in the South. According to the census of 1810, there were 1,377,808 colored people in the United States, the vast majority of them slaves. Some stated that the criminal statistics showed that a large percentage of the persons convicted at the quarter sessions of the mayor's courts were negroes, while the prison statistics showed that the negroes constituted 16 per cent. of the convicts in Massachusetts, 25 per cent. in New York, 30 per cent. in New Jersey, 33 per cent. in Connecticut, and 35 per cent. in Pennsylvania. Hence it was said that the negroes were a burden to the community and a source of moral corruption no longer to be endured. Consequently, the moment a feasible plan of negro colonization was brought forward it met with hearty approval.

As far back as 1777 a committee of the Virginia legislature appointed to revise the State laws reported a bill for the gradual abolition of slavery, but the ensuing war prevented any at-

tempt to carry out the idea. Ten years later William Thornton offered to lead a colony of blacks from Rhode Island and Massachusetts to the west coast of Africa, but, as funds were insufficient, the effort was abandoned, and the colonization scheme was forgotten for more than a decade.\* In 1800 the Virginia legislature instructed the governor to correspond with the President regarding the purchase of lands beyond the limits of Virginia to which "persons obnoxious to the laws or dangerous to the peace of society may be removed."† But this plan shared the fate of its predecessors, and nothing more was done until 1816. In December of that year Charles F. Mercer, a member of the Virginia House of Delegates, secured the passage of a resolution by the terms of which the governor was to correspond with the President for the purpose of establishing an asylum for free negroes on the coast of Africa, on the shores of the northern Pacific,

\* McMaster, vol. iv., pp. 556-557.

† Wilson, *Rise and Fall of Slave Power*, vol. i., p. 210.

or some other place outside the United States and its territories.\* The real originator of the colonization movement, however, was Dr. Robert Finley, of Baskingridge, New Jersey, who thought that, since the whites had brought the negroes to this country, they ought to repair the wrong in the best manner possible. In the autumn of 1816 he and a few friends prepared a memorial requesting the New Jersey legislature to use its influence with Congress in an effort to secure the adoption of some plan for the colonization of free negroes. As this movement was futile, Dr. Finley went to Washington to promote the formation of a National Colonizing Society and to enlist in the movement as many Senators and Congressmen as possible. On December 21, 1816, a meeting, at which Henry Clay presided, was held for that purpose. The chairman explained the object of the meeting and that abolition and emancipation were not to be considered, since the object of the Society was merely to relieve the condition of free negroes.† After speeches by John Randolph and a few others, committees were appointed to frame a constitution and memorial. The constitution was adopted and the association named "The American Society for the Colonizing of the Free People of Color of the United States." On

January 1, 1817, Judge Bushrod Washington, of the Supreme Court, was chosen president, and several well known men consented to act as vice-presidents.\*

Though the negroes were greatly aroused at this action, the society continued upon its course and presented its petition to Congress on January 14, 1817.† The House Committee on Slave Trade approved the colonizing idea and introduced a resolution on February 11, 1817,‡ authorizing the President to negotiate with the governments of the world for the total and immediate prohibition of the slave trade. The President was to request also that Great Britain permit the entry of free slaves from the United States into her colony at Sierra Leone,|| but if this were refused, he should obtain from the various maritime powers of Europe a stipulation guaranteeing the permanent neutrality of any free negro colony which might be established by the United States on the African coast. During this session of Congress, however, no action was taken by the House, but the society was so encouraged that in No-

\* McMaster, vol. iv., pp. 560-562. See also *Niles' Register*, vol. xi., pp. 296, 355; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 212; John R. Spears, *The American Slave Trade*, pp. 163-164; Williams, *The Negro Race in America*, vol. ii., p. 52 *et seq.*

† The memorial is in *Annals of Congress*, 14th Congress, 2d session, pp. 481-483.

‡ The report of the committee is in *Niles' Register*, vol. xii., pp. 103-104; *Annals*, pp. 939-941; Benton, *Abridgment*, vol. v., pp. 711-712.

|| Von Holst, *Constitutional and Political History*, vol. i., p. 336.

\* *Niles' Register*, vol. xi., p. 275 and vol. xv., sup., p. 43; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 211.

† Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 211-212.

vember of 1817 Samuel J. Mills and Ebenezer Burgess were sent to Africa to ascertain the best location for such a colony. They first visited England, where the Secretary of State for the Colonies, Lord Bathurst, gave them letters to the officials at Sierra Leone. Arriving at that place in March of 1818, they were civilly treated, but were informed that no negroes from America were desired, whereupon they went down the coast and selected Sherbro Island as the site for the American colony. In May of 1818 the two agents started home, but on the voyage Mills died. In October Burgess arrived home, and so glowing was his account that the Society determined to embark on its project at once.

Two things were wanted, however—money and emigrants—neither of which the society commanded. As the negroes themselves were opposed to the plan, it was very doubtful if the society could secure the emigrants, but at this juncture the State of Georgia came to the rescue with the enactment of a law which supplied the society's needs. In 1807, when the importation of slaves into any State or territory had been forbidden, no provision was made for such slaves as might be captured from those who attempted to smuggle them into the country in defiance of the law. The States had been left to decide what disposition should be made of these, and up to that time Georgia had sold them into slavery for the benefit of the State. On December 19, 1817, how-

ever, an act was passed providing that, should the Colonization Society agree to export them to Africa and pay all the costs incurred by Georgia from the time they were captured and condemned until taken over by the society, such negroes would be turned over to them. Early in 1819 Georgia advertised for sale a batch of negroes previously seized,\* and the society sent the Reverend William Mead to secure the release of the negroes and sent out requests for contributions to supply the sum necessary to reimburse Georgia. The governor of Georgia, therefore, postponed the sale so that the society might have sufficient time to raise the redemption money,† but in the meantime the society called upon Monroe to exercise the power recently granted him by an act passed by Congress on March 3, 1819.‡ In this act the President was empowered to take such measures as he deemed fit for the safe keeping, support, and removal beyond the territory of the United States of such negroes as might be seized under the

\* "On Tuesday, the 4th of May next [1819], in the town of Milledgeville, will be exposed to public sale, to the highest bidder, between thirty and forty prime African slaves, which have been taken possession of by the state of Georgia, in consequence of their having been introduced contrary to the laws of the state and of the U. States. Indisputable titles will be made and prompt payment required. By order of the governor, Charles Williamson, agent."—*Niles' Register*, vol. xvi., p. 166.

† See Governor Matthew Talbot's message of November 3, 1819, in *Niles' Register*, vol. xvii., p. 222.

‡ For the debate see *Annals of Congress*, 15th Congress, 2d session, pp. 1430-1431.



act suppressing the slave trade. Another provision of the act authorized him to send an agent to Africa who should receive such negroes as were seized from slavers by commanders of American naval vessels. A third provision set aside \$100,000 for carrying the act into effect.† Monroe thereupon selected Samuel Bacon, Samuel A. Crozer and John P. Bankson to act as agents of the United States in Africa; chartered the brig *Elizabeth* to carry away the negroes; set apart \$33,000 to pay for tools, implements, and transportation charges; and ordered the United States ship *Cyane* to escort the *Elizabeth* to her destination.‡

On February 6, 1820, the *Elizabeth* started from New York with 86 men, women, and children, and after a voyage of five weeks reached Sierra Leone, and then sailed for Sherbro Island. Meanwhile the Africans had changed their minds with regard to selling land to the Colonization Society, disavowed the promises they had made, and refused to sell a single foot of land.|| While the agents were negotiating, the rainy season set in, and the 3 agents and 20 colonists were stricken with fever and soon died. The command of the party then passed into the hands of one of the

colonists, who conducted the expedition back to Sierra Leone.

This misfortune, however, did not discourage the society, and early in 1821 another band was sent out and attempted to settle at Cape Montserado on the coast of Guinea. But as the agents insisted that the abolition of the slave trade be one of the conditions on which they would purchase land, negotiations suddenly ceased, since the slave trade was most valuable to the Africans. The party then returned to Sierra Leone and the agent returned to the United States. In the fall of 1821 Dr. Ayres and Lieutenant Robert F. Stockton, of the United States schooner *Alligator*, went to Cape Montserado and succeeded in purchasing a tract of land for the colony in consideration of goods and trinkets worth \$300. When the colonists appeared, however, the chiefs changed their minds and refused to give up the territory, but finally Stockton and Ayres induced them to consent to the purchase, and on April 22, 1822, the colonists took possession and began the erection of a town. At this time a British ship with some recaptured Africans drifted ashore, and a French slaver in search of a cargo also appeared off the coast. In the hope of profiting by these two events, the natives attempted to capture the negroes from the British ship in order to sell them to the French, but the colonists co-operated with the British and repulsed the native attack.

\* *United States Statutes-at-Large*, vol. iii., p. 533.

† Spears, *The American Slave Trade*, pp. 165-166.

‡ McMaster, vol. iv., pp. 565-566.

|| Niles' *Register*, vol. xix., p. 296.

The rainy season had again set in; fevers had attacked the little band, and the colonists were again subjected to the hostility of the natives. Becoming disgusted, Dr. Ayres, and a few others returned to Sierra Leone, but the negroes themselves determined to struggle on. Fortunately for the little band, 47 negroes in charge of the Reverend Jehudi Ashman, soon afterward arrived. Ashman found the colony in desperate straits, and learned also that the neighboring chiefs had planned to exterminate it. The colonists were able to muster only 27 effective men, while for resisting an attack they had only one brass field-piece and five rusty iron guns. Nevertheless, Ashman drilled his men, erected earthworks in front of the settlement, and when 800 Africans rushed to the attack on November 11, he was able to open against them such a well-directed fire from the brass field piece that they were driven back in confusion. The enemy prepared for a second attack, but before it was made an English captain, happening to touch at the Cape, supplied the colonists with food, stores, ammunition, etc., and when the Africans made their second attack the next night they were again repulsed. Once more succor arrived, for the heavy cannonading had attracted the attention of an English schooner laden with military stores. The captain at once put in to investigate, and on learning of the predicament of the colonists, landed stores and ammunition. Peace was then concluded with

the natives, and when the British captain sailed, his midshipmen and 11 sailors remained behind. Thenceforth, in spite of internal disputes, Liberia, as the colony was called, and Monrovia, as the town on the Cape was named, enjoyed a prosperous career.\*

Meanwhile Great Britain was trying to persuade the United States to join in an international effort to destroy the slave trade. The trade had been forbidden in British dominions as early as 1807, and thenceforth no treaty was made with any foreign power without an attempt to bind the contracting party to limit the African slave trade. Between 1810 and 1814 such treaties had been made with Portugal, Denmark, and Sweden; Netherlands had abolished the trade by royal decree; Spain had limited it to her own colonies; France had agreed to abolish it within five years and had promised to aid Great Britain in her efforts to abolish the trade when the allies met in the Congress of Vienna. When that Congress met in 1814, however, France and Spain refused to go any further than they had already gone and little was accomplished. In the definitive treaty of peace signed at Paris on November 30, 1815, the contracting parties agreed to put forth every effort for the entire abolition of the odious trade. Spain and Portugal refused

\* McMaster, vol. iv., pp. 568-569. See also J. H. T. McPherson, *The History of Liberia*, in *Johns Hopkins Studies*, series ix., no. 10; Spears, *The American Slave Trade*, p. 166 et seq.

to become parties to such an agreement and under their flags the trade became extensive. In 1817 Great Britain invited the ministers of Russia, Austria, France and Prussia to a conference, and conventions were concluded with Portugal and Spain.\* Each agreed to abolish the slave trade north of the equator at once and south of that line in the near future. When the ministers met at London in December of 1817, Lord Castlereagh proposed that the five powers prohibit the importation of slaves into their dominions, make the traffic a criminal offence, and grant their warships the right to visit vessels suspected to be slavers. It was proposed also that Brazil and Portugal should be urged to abolish the trade after May 30, 1820. These propositions were sent to the respective governments by their representatives, but no answers were received until the second annual conference at Aix-la-Chapelle in October of 1818.†

Meanwhile, on June 20, 1818, Castlereagh submitted to Richard Rush, the American minister at London, copies of the treaties for suppressing trade concluded by Great Britain with Spain, Portugal, and the Netherlands.‡ The convention into which

Great Britain invited the United States to enter provided for the establishment of courts in the colonial possessions of one of the parties. As the United States had no colonies and as Congress had no power under the Constitution to establish a court for the execution of its penal laws beyond the territorial limits of the United States, such an arrangement could not be considered. Again, the convention provided for a reciprocal right of search by those armed vessels of the two powers which might be given special authority; but to admit that either power possessed the right of search in time of peace would have raised such a storm of indignation as no party in the United States could then have withstood. Monroe therefore declined the invitation.\* Great Britain, however, again returned to the subject in 1819, repeated the invitation, which was once more declined by the President.†

While the United States refused to enter into an agreement with Great Britain for suppressing the trade, she had not been idle. Already an act had been passed (April 20, 1818) providing that a person detected bringing negroes into the United States must prove to the court that such negroes were not imported contrary to law. On March 3, 1819, as we have seen, the

\* *Niles' Register*, vol. xiv., p. 136; John R. Spears, *The American Slave Trade*, pp. 134-135.

† See the correspondence relating to these conferences in *American State Papers, Foreign Relations*, vol. v., p. 98 *et seq.*

‡ *American State Papers, Foreign Relations*, vol. v., pp. 71-72, 111-112. See also the letters regarding this in *Annals of Congress*, 16th Congress, 2d session, p. 1316 *et seq.*

\* *American State Papers, Foreign Relations*, vol. v., pp. 72-73, 112-113. See also Schuyler, *American Diplomacy*, p. 241.

† *American State Papers, Foreign Relations*, vol. v., pp. 74-76.



President had been empowered to seize and bring into port any vessel engaged in the slave trade, if controlled by citizens or residents of the United States. He was empowered to keep, support, or remove beyond the limits of the United States such negroes, mulattoes, or persons of color illegally imported, and he could appoint an agent to live in Africa for the purpose of receiving negroes seized on slavers.\* On May 15, 1820, another act was passed making the slave trade piracy and those engaged in that trade pirates, and providing the death penalty to any citizen of the United States convicted of importing from foreign ports any negro or mulatto who had been seized, decoyed, or forcibly brought away with the intent to make such person a slave.† During 1820 and 1821 Monroe had sent forth six armed vessels to patrol the coast of Africa and to capture slavers, and their reports show that the trade was flourishing. Monroe brought the subject before Congress on February 9, 1821, when a House committee recommended that a limited right to search American vessels on the African coast be granted and that the President be authorized to negotiate with European powers for suppressing the slave

trade.\* On April 12, 1822, a similar resolution was passed but nothing came of either.† On February 28, 1823, however, as the Seventeenth Congress was about to expire, the House, by a vote of 131 to 9, passed a resolution requesting the President to enter upon negotiations.‡ It was then too late for the Senate to take action, but, as Great Britain had again urged the United States to join her in granting a limited right of search, Monroe took the sense of the House as a guide and on March 31, 1823, began negotiations to make the slave trade piracy under the law of nations. Accordingly, on March 13, 1824, a convention was signed at London,|| after it was amended and ratified by the Senate, the king refused to assent to the treaty thus mutilated and weakened.§ It seemed almost impossible to come to an agreement satisfactory to both nations, and for some time the matter was dropped.

Domestic slavery was as serious and perplexing a problem, both in the

\* John R. Spears, *The American Slave Trade*, pp. 128-130; *United States Statutes-at-Large*, vol. iii., p. 533.

† *Niles' Register*, vol. xviii., p. 236; *Annals of Congress*, 16th Congress, 1st session, pp. 2623-2625; Schuyler, *American Diplomacy*, p. 244; Spears, *The American Slave Trade*, pp. 132-133.

\* *American State Papers, Foreign Relations*, vol. v., pp. 90-93. See also Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 104-106.

† *American State Papers, Foreign Relations*, vol. v., pp. 140-141.

‡ *Annals of Congress*, 17th Congress, 2d session, pp. 331-333, 928, 1147-1155.

|| *American State Papers, Foreign Relations*, vol. v., pp. 319-324; *Register of Debates*, 18th Congress, 2d session, app., pp. 12-14. See the correspondence in *Annals*, pp. 3001-3025. See also *Niles' Register*, vol. xxvi., pp. 209-210, 226-239, 346 *et seq.*

§ Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 108-110; Angell, *Diplomacy of the United States*, in Winsor, *Narrative and Critical History*, vol. vii., pp. 492-493.

North and in the South, as was the slave trade. Rhode Island in 1784, Connecticut in 1784, New York in 1799, and New Jersey in 1804 had decreed that after a certain time slavery should be prohibited; that those who were slaves on that date should remain so; but that children born thereafter of slave parents should be free on attaining a certain age. In New Hampshire, Vermont, and Massachusetts slavery had been abolished outright. But nowhere did the slaves enjoy the same rights as the white man. For a long time race prejudice excluded the slave from many trades and occupations. Moreover, he could not vote, serve in the militia, or be summoned as a juror. He was barred from hotels, inns, and taverns, and from all schools save those established by benevolent persons for the special benefit of his race.\* In Pennsylvania their lot was probably as happy as anywhere, for in that State no distinction was made between the free white and the free black. There the black freeman was a political equal of the white freeman, had every right of citizenship, could vote, and was eligible to any office in the State. Yet no black man ever attained any office, for as no assessor of a country tax would term the free negro as a taxable inhabitant, and as he was not taxed unless so termed, and as he could not vote unless he paid a county or State tax, the negro very seldom voted—

much less aspired to office.\* In 1811 Delaware passed a law forbidding free negroes or mulattoes to settle in her territory. In 1825 Maryland passed a law that a free negro living in idleness in the State must either give security for good behavior or leave the State within 15 days after being ordered to depart. It was forbidden to purchase tobacco from a negro unless he could produce a certificate from a justice of the peace granted on the sworn testimony of two reputable whites that the tobacco had been grown or honestly acquired by him. In 1826 another law was passed providing that a free negro who had served a term of imprisonment for any offence should be given \$30 and banished from the State, and, if found in the State 60 days afterward, should be sold into slavery for the term of his original conviction. According to the Virginia laws, no negro freed in any other State could become an inhabitant of Virginia. Those who were emancipated had to be numbered and registered and a certificate of such registration describing the negro must be held by him before he could seek employment. By a law passed in 1806 Tennessee placed a similar restriction on negroes, but by a law passed in 1825 they were permitted to enter the State provided they registered their freedom papers. In 1819 Virginia passed a law threatening the freedom of any freedman who remained

\* Williams, *Negro Race in America*, vol. ii., p. 131.

\* McMaster, vol. iv., pp. 558-559.

in the State more than a year.\* In Georgia a freedman was taxed \$20 annually for the privilege of remaining free, with the penalty of expulsion on failure to pay this tax.† The Mississippi and Alabama constitutions (of 1817 and 1819, respectively) expressly forbade the legislative emancipation of a slave without the owner's consent, and provided that the General Assembly "shall have no power to prevent immigrants to this State from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State: *Provided*, That such person or slave be the *bona fide* property of such immigrants." The General Assembly should have also "full power to prevent slaves from being brought into this State as merchandise; and also to oblige the owners of slaves to treat them with humanity."‡ In 1819 the Mississippi legislature passed an act requiring anyone who imported a slave into the State to register the slave in the county clerk's office and to make oath that the slave had not committed any capital crime. Failure to do this was punishable by a fine of \$500. In that State slaves imported for sale were

taxed \$20 apiece, but citizens could import slaves for their own use free of taxation unless such slaves came from Louisiana or Alabama. A free negro emigrating to Mississippi was required to give \$50 security for good behavior and if unable to do so was liable to be sold at public auction for a term of one year.\* In his message to the legislature of South Carolina on November 25, 1817, Governor Andrew Pickens said:

"In December last, you passed an act prohibiting under the severest penalties, the introduction into this state, of any slave, from any other state or territory, to remain here, under any circumstances whatever. As the agricultural property of this state depends so much upon persons of this description, it is believed that the general interest loudly calls for some alteration or modification of this law. As the law now is, persons who wish to become residents among us, are prevented from bringing with them their slaves, to whom they are attached, not only because they are instruments of wealth and comfort, but often because they have descended to them from revered and respectable ancestors. Our own citizens, under the existing statute, are unable to bring in the state slaves which they may be entitled to, by marriage, inheritance or device, are obliged either to sacrifice them and leave their lands uncultivated, or remove with their character, usefulness, enterprise, and wealth, to add to the respectability and resources of some other state or territory." †

In the District of Columbia any negro or mulatto unable to prove by document or evidence that he was free might be seized and sold into slavery. The South Carolina law forbade the meeting of slaves or freedmen "for purposes of instruction" unless a ma-

\* Ballagh, *History of Slavery in Virginia*, p. 125.

† *Niles' Register*, vol. xx., p. 312; Schouler, *United States*, vol. iii., p. 137.

‡ Thorpe, *Federal and State Constitutions*, vol. i., pp. 111-112, and vol. iv., p. 2045.

\* *Niles' Register*, vol. xvi., p. 160.

† *Ibid.*, vol. xiii., pp. 277-278.



majority of the assembly were white persons. Certain persons of color, one a bishop, endeavored to obtain permission from the city council of Charleston to hold meetings of colored persons exclusively, but were unsuccessful. Nevertheless they held the meetings and were arrested, to be released by the magistrate with a warning. On June 7, 1818, the bishop, some ministers and 140 others held a meeting, and all were arrested. Every one was liable to imprisonment and corporal punishment. The bishop and four of the ministers were sentenced to one month's imprisonment or to give security to leave the State. Eight other ministers were sentenced to receive ten lashes or pay a fine of \$5. No penalty seems to have been inflicted on the others.\*

It was to be expected that restrictions of this nature would be found in States where slavery already existed and could readily be accounted for where slavery was slowly disappearing, but in territory where slavery had been abolished under the Ordinance of 1787 it was not to be expected that the rights of the negro would be restricted; where, on the contrary, the free negro should have been accorded the common rights of Man. But this was far from the case. In Ohio he was deprived of the franchise, and a law had been passed stating that the negro must prove his right to be free. No such person could settle in Ohio without a certificate of freedom which

must be put on record. Nobody was allowed to employ or hire a free negro whose condition was not duly certified, nor could he leave the State without such certification.\* In Indiana the free negro could not be a witness except in pleas of the State against negroes, mulattoes or Indians, or in civil cases where such persons were litigants.†

Illinois had taken her stand as a slaveholding territory, and though in 1817 an effort had been made to break down slavery, the governor defeated the attempt by vetoing the measure. After Illinois became a State, a slave code was adopted providing that no negro or mulatto, alone or with his family, could live in the State without a certificate of freedom from the State or Territory whence he came, nor until the certificate had been duly recorded; and even then the overseers of the poor could expel him at any time.‡ Such negroes as already resided in the State were to secure certificates from the circuit clerk before June 1, 1819, attesting to their freedom. In default of such certificates, all negroes might be arrested and sold for one year to the highest bidder. Should a slave be found ten miles from home without a permit, he was liable to arrest. To harbor a slave was felony and to employ a negro not

\* Williams, *The Negro Race in America*, vol. ii, p. 111 *et seq.*

† *Ibid.*, p. 121.

‡ McMaster, vol. v., pp. 187-188. See also N. D. Harris, *The History of Negro Servitude in Illinois and of the Slavery Agitation in that State, 1719-1864*, chap. iii. (1904).

\* *Niles' Register*, vol. xiv., p. 312.

possessed of a certificate was punishable by a fine of \$1.50 for each day's employment.

When the Missouri Compromise was passed, Missouri became a haven for emigrants from the slave States. Illinois was nominally closed to slavery and was therefore avoided. The people, therefore, determined to make Illinois slave soil. In the gubernatorial election of 1822 there were four candidates, two advocates of slavery, and two free soil men. One of the latter, Edward Coles, was elected by a plurality of 46 votes, but the slavery advocates carried both branches of the legislature and soon renewed the struggle.\* In his first message to the legislature the new governor boldly attacked slavery, urged the speedy emancipation of those still in bondage, recommended that the black code be revised, and urged that kidnapping be stopped by law. The committee reported a resolution advising the legislature to recommend that the voters cast their ballots at the next election for or against a convention to amend the Constitution, so as to make Illinois a slave State.† To pass this resolution a two-thirds vote of both branches of the legislature was required, and while the Senate was almost unanimously favorable, the House lacked one vote of the necessary two-thirds.‡ The election of

one of the members of the legislature had been contested, but when he agreed to vote for Senator Jesse B. Thomas he was seated. When he refused to vote for the constitutional convention, however, his seat was declared vacant and his place given to the candidate who contested the election.\* Being a strong pro-slavery man, the latter helped the House to pass the resolution. Then began perhaps the most exciting canvass the people of Illinois had ever known. When it ended on August 2, 1824, the pro-slavery men were beaten, the resolution for a convention having been lost by almost 1,700 majority (6,640 to 4,972).†

The negro had been disfranchised in New Jersey in 1807. New York followed the example in 1813 and Massachusetts in 1815. Under the New York constitution any male possessing £20 of freehold estate or paying an annual rent of 40 shillings had the right to vote provided he had the necessary qualifications as to age, residence, etc., but a distinction was made as to color. If the voter were black, he was to declare before a registrar of deeds, at a great cost, that he was free and not a slave. If the proof were satisfactory to the registrar, the negro must then be measured and his

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\* Harris, *Negro Servitude in Illinois*, pp. 34-39.

† *Ibid.*, pp. 42-49; McMaster, vol. v., pp. 189-191; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 164; E. B. Washburne, *Sketches of Edward Coles and the Slavery Struggles of 1823-24* (Chicago, 1882).

\* Harris, *Negro Servitude in Illinois*, pp. 27-31.

† *Ibid.*, p. 32.

‡ Wilson, *Rise and Fall of Slave Power*, vol. i., p. 163.

stature noted on a certificate of freedom, which was then to be recorded. This cost 12 shillings. Five days before each election the negro was compelled to purchase a copy of the record to show to the inspectors of election, but if he came without the transcript he could be deprived of his vote, though possessing every other qualification. On March 31, 1817, however, New York passed a law providing that after July 4, 1827, slavery should be abolished in the State and that every slave within its limits become free.\*

In 1818 New Jersey enacted a law prohibiting the exportation of slaves or servants of color from the State under penalty of not less than \$1,000 or more than \$2,000 fine or imprisonment at hard labor for not less than two nor more than four years. Every slave or servant so exported or attempted to be exported was to be free. The selling, transferring, or assigning of slaves to non-residents of the State were also prohibited. The legislature requested their Senators and Representatives in Congress to urge the enactment of a law prohibiting the interstate traffic in slaves.†

The compilation and publication of statistics showing that the negro comprised a large percentage of the inmates of jails and penitentiaries served only to create a feeling that he should be stripped even of the few

privileges he possessed. In 1820 it was shown that in Massachusetts, where the negroes comprised but one-seventy-fifth of the population, they contributed one-sixth of the criminals. The legislature of that State therefore determined to check this, a committee being appointed to consider the best manner of changing the laws regarding the admission of free negroes or mulattoes as residents into Massachusetts. The committee evaded the issue and reported that it was unable to decide what legislation was necessary. As a matter of fact, no new legislation was required, for on March 26, 1788, a law had been passed "for suppressing and punishing all rogues, vagabonds, common beggars, and other idle, disorderly and loud persons."\*\* This law provided that no negro should tarry within the commonwealth for more than 60 days unless he were a citizen of the United States or a subject of the Emperor of Morocco. Should he tarry beyond that period, any justice of the peace could, on complaint, order him to depart within 10 days, and should he fail to go, could commit him to await the action of a court of sessions of the peace. Should the negro be found guilty, that court had power to punish him with ten stripes and to repeat the punishment as often as the negro should refuse to depart. The com-

\* *Niles' Register*, vol. xiii., p. 144.

† *Ibid*, vol. xv., pp. 194-195.

\* For an account of this law see G. H. Moore, *Notes on the History of Slavery in Massachusetts*, pp. 228-229.



mittee condemned this law as arbitrary in its principles, cited it as an example of foolish and futile legislation, and asserted that it was repugnant to the people of Massachusetts. But in this the committee erred, for the law was not repugnant to the people since it continued on the statute books until 1834, and under this law 237 blacks had been ordered to leave the State.\*

At this same time (1821) a convention was preparing a new constitution for New York, and it was proposed to limit the franchise to male citizens, because blacks were not fit to vote. It was said that every privilege granted them had been abused and that if the franchise were given them, they would sell their votes to the highest bidder. The friends of the negro had too little influence to prevail and when the constitution was completed Article II. provided that "no man of color, unless he shall have been for three years a citizen of this State and for one year next preceeding any election shall be seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at any such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid." This same

provision was incorporated in the constitution of 1846.\*

South Carolina imposed the heaviest of all restrictions. In May of 1822 it was feared that the slaves under the leadership of Denmark Vessey were planning to revolt. An investigation resulted in the arrest of 130 blacks, 35 of whom were executed, 12 were sentenced to death but respited, 22 sentenced to transportation, 9 acquitted with a suggestion to their masters that they be transported, and 52 acquitted and discharged.† The plot was attributed to the influence of a certain free negro, to religious fanaticism, and to the formation of an African Methodist Church. The church was therefore dissolved. Masters were warned to watch their slaves more carefully, and on December 21, 1822, the legislature enacted a law aimed at negroes from foreign parts. It was provided that should a vessel enter South Carolina and have on board a negro in whatever capacity — cook, steward, mariner, etc., — no matter whether or not he intended to remain in the State, he must be seized and kept in jail until the ship was ready to sail. The master must then pay all costs of detention and carry

\* Thorpe, *Federal and State Constitutions*, vol. v., pp. 2642-2643, 2656. See also Williams, *The Negro Race in America*, vol. ii., pp. 163-164.

† U. B. Phillips, *The Slave Labor Problem in the Charleston District*, in *Political Science Quarterly*, vol. xxii., no. 3, pp. 429-431 (1907). See also Jervey, *Robert Y. Hayne and His Times*, pp. 130-133; *Niles' Register*, vol. xxii., pp. 320, 352, and vol. xxiii., pp. 10-12; Williams, *The Negro Race in America*, vol. ii., pp. 84-85.

\* Moore, pp. 231-236.

the negro away, or else be fined \$1,000 or imprisoned for two months, while the negro was sold as a slave.\* A general seizure of negro cooks and sailors then began, but the captains appealed to the United States district court for relief. The judge of that court urged the captains of the vessels to seek redress in the State courts, and a test case was made on the ground that the law was unconstitutional. The lower court decided that it *was* constitutional, while the upper court was divided; and therefore the prisoners remained in custody. Ultimately they were released, but in the meantime, on February 19, 1823, the American captains remonstrated to Congress,† while the British captains complained to Canada. Adams promised that the practice would be stopped, but it still continued, and soon the seizure of another British subject (a negro seaman from Jamaica) brought on another dispute. Suit was brought in the United States district court to secure the release of the man absolutely, on bail, the purpose being to test the validity of the law. The argument was long and learned on both sides, but the court decided that the act was unconstitutional and was practically equivalent to a declaration of war on England. In spite of this decision, however, the seizure of negroes continued and before the close

of the year four free blacks, subjects of Great Britain, were seized from another British ship. The master complained and the British minister vigorously protested to Attorney-General Wirt, who pronounced the law a violation of the treaty, unconstitutional and void, since it attempted to regulate traffic. This information was sent by Adams to the governor of South Carolina for transmission to the legislature. The South Carolina senate asserted that it was the duty of the State to guard against insurrections among the colored population, and that this was paramount to all laws or treaties or constitutions. They said that the law would never be renounced or compromised, that the United States should not meddle with her affairs, and that she would not allow her slaves to be "ordered, regulated, or controlled by any other power foreign or domestic than this legislature."\*\* The House considered these resolutions too strong and passed a milder set, which the Senate rejected. In 1823 an act was passed providing for the sale of negroes into slavery but the provisions of the act did not apply to negro seamen unless found on shore after being warned.†

This dispute tended to strengthen the belief that only the removal of the free blacks to Africa would solve the

\* For text see *Annals of Congress*, 17th Congress, 2d session, pp. 1306-1308. See also Ames, *State Documents on Federal Relations*, no. v., p. 12.

† *Annals*, pp. 1305-1306.

\* Ames, *State Documents on Federal Relations*, no. v., p. 14.

† See Jervey, *Robert Y. Hayne and His Times*, pp. 178-180; McMaster, vol. v., p. 203. There is a great variance in the statements of these two works.

negro problem. The States began to express their opinions as to the manner of regulating the slave problem. Georgia, on December 22, 1823, proposed that the Federal Constitution be amended so that no part of it could be construed as authorizing the importation or ingress of negroes into any State contrary to its laws. The proposed amendment was approved by Missouri, Mississippi, and South Carolina, while Illinois and Ohio advocated gradual emancipation and ultimate transportation, and Delaware and New Jersey suggested immediate colonization.\*

Hardly had this crisis passed when the American Society for the Colonization of Free People of Color applied to Congress for aid. The committee to which this application was referred stated that, had the session not been so nearly at an end, it would recommend to Congress that the money requested be granted.† At this the Georgia legislature became excited and denied that Congress had the right to use public funds for any such purpose. It said that the liberation of the slave population of the South was not essential to the common defence nor conducive to general welfare, and that the Society was going beyond the bounds of the purpose for which it had been formed when it attempted to remove the whole colored

population of the United States to another land. This would militate against the interests of one portion of the United States, and the National government could not use the general funds of the Union to further such a project, particularly when the section to suffer from it had contributed so largely to these funds. The people of Georgia knew the advantages of the Union, but would not permit their rights to be assailed even though it resulted in the dissolution of the Union. The result of such interference was ruinous and the enemies of the South were setting a mine which, if exploded, would result in the common ruin of the country.\*

South Carolina joined Georgia in these remonstrances. A committee of the South Carolina Senate stated that on this subject there could be no reasoning between South Carolina and any other government and that the slaves should not be encouraged to look for emancipation to any other body than the legislature.† On the other hand, many of the States supported the society. Maryland voted an annual appropriation to it for ten years. Kentucky requested their Representatives in Congress to secure the protection and patronage of the general government for the society, and in 1827 and in 1828 Ohio followed suit, while Virginia twice presented the so-

\* McMaster, vol. v., pp. 203-204.

† *House Doc.* 64, 19th Congress, 2d session, vol. iv. See also *Register of Debates*, vol. iii., pp. 289-296, 318-334.

\* *Ex. Doc.* 126, 20th Congress, 1st session, vol. iii.

† *Ex. Doc.* 65, 20th Congress, 1st session, vol. iii.



ciety with money. Nevertheless the great work of emancipation was not done by the Colonization Society, but by a little band of anti-slavery leaders.

Foremost among these was Benjamin Lundy, a native of New Jersey (born in 1789), who, while still a lad of 17, went to Virginia, and there became imbued with a desire to aid the slaves. Removing to Ohio in 1835 he founded an anti-slavery society called the Union Humane Society.\* He contributed anti-slavery articles to weekly journals and issued appeals to anti-slavery people throughout the country urging them to form similar associations. The editor of one of these papers, *The Philanthropist*, to which Lundy contributed, was a Quaker named Charles Osborn. This was the first newspaper that ever defended immediate and uncompensated emancipation in the United States.† The two men became partners, but as Lundy failed to return from a trip to St. Louis, Osborn sold the paper, and another friend, Elihu Embree, of Tennessee, established *The Emancipator*, the first newspaper in the country devoted to anti-slavery.‡ Shortly afterward Lundy returned, and on hearing of Embree's death, decided to establish an anti-slavery periodical of his own at Mt. Pleasant, Ohio. He se-

cured hearty support and a large number of subscribers, but within a year removed to Tennessee, where he resided until 1824, then going to Baltimore to establish *The Genius of Universal Emancipation*.\*

The anti-slavery sentiment in Maryland was strong, and when *The Genius* was started it was well supported and widely circulated. But public sentiment in the slaveholding States soon changing, the prosperous career of *The Genius* was at an end. In the spring of 1828, therefore, Lundy toured the Eastern States in search of new subscribers,† and during this tour met William Lloyd Garrison, then about 23 years of age. Garrison had served his apprenticeship in the printing trade and became editor and publisher of *The Newburyport Free*

\* Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 168-169.

† Certainly there are few examples of such great self-sacrifice. In an appeal to the public for support on April of 1830 Lundy says: "I have, within the period above mentioned [10 years] sacrificed several thousand dollars of my own hard earnings, have traveled upwards of five thousand miles on foot, and more than twenty thousand in other ways; have visited nineteen states of this Union, and held more than two hundred public meetings; have performed two voyages to the West Indies, by which means the liberation of a considerable number of slaves has been effected, and, I hope, the way paved for the enlargement of many more."—Goodell, *Slavery and Anti-Slavery*, p. 385. See also Williams, *The Negro Race in America*, vol. ii., pp. 28-29; Benjamin Lundy: *A Sketch of his Life and of his Relations with his Disciple and Associate, William Lloyd Garrison; The Life, Travels and Opinions of Benjamin Lundy, with a Sketch of Contemporary Events and a Notice of the Revolution in Hayti, Compiled under the Direction and on Behalf of his Children* (1847).

\* Curtis, *Constitutional History*, vol. ii., p. 244; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 168.

† McMaster, vol. v., pp. 208-209.

‡ E. E. Hoss, *Elihu Embree, Abolitionist* (Nashville, 1897).

*Press*.\* The career of that paper was short, Garrison went to Boston, where three years later (in 1828) he became editor of *The National Philanthropist*, the first temperance newspaper in the United States.† Garrison was attracted to Lundy and endorsed *The Genius* and its objects in the columns of *The Philanthropist*. In the summer of 1828 Lundy spoke at a public meeting in the Federal Street Baptist Church, Boston, and in his speech dwelt on the folly of trying to abolish slavery according to the methods advocated by the Colonization Society.‡ He said that the increase in slave population in one year was greater than the diminution the society could effect in 50 years.¶ He urged his hearers to found anti-slavery societies and to petition Congress that slavery be abolished in the District of Columbia. The pastor of the church in which this meeting was held denounced the agitation of the slavery question in the North, saying that that section of the country had no business to meddle with the institution.§ But Garrison, who was present, called another meeting at which an anti-slavery committee was appointed and a petition circulated, signed by 2,352 persons and sent to Congress on Janu-

ary 26, 1829.\* On his trip north Lundy gained a number of subscribers to his paper, but not enough to support it, and in 1829 *The Genius* was suspended. In an effort to revive the paper, he persuaded Garrison to come to Baltimore, and in the autumn of 1829 the two revived *The Genius*.†

A petition was sent to the Delaware legislature requesting the abolition of slavery within that State, but the legislature made no response, for that body had enacted a law which aroused considerable indignation. Under the Constitution the States were compelled to deliver all fugitives from labor or service upon demand of those entitled to this labor or service, but the execution of this act depended upon the judiciary of the States. Under this law the owner of the runaway slave or his agent might arrest the fugitive, take him before a circuit or district court or before a county, city, or town magistrate, and, having proved the negro to be a slave, might take him back to the plantation. The negro could not be heard in his own defence and could not summon witnesses, nor be represented by a counsel; the testimony of his master was sufficient. While the purpose of the law was to make easy the return of fugitive slaves, it rendered easy also the kidnapping and condemnation to slavery of free slaves living in the

\* A. H. Grimké, *William Lloyd Garrison, the Abolitionist*, pp. 27-28; Goodwin Smith, *The Moral Crusader: William Lloyd Garrison*, pp. 10-16.

† Grimké, p. 41; Lindsay Swift, *William Lloyd Garrison*, pp. 57-59 (1911).

‡ Grimké, p. 52.

¶ Smith, *William Lloyd Garrison*, p. 21.

§ Grimké, p. 52.

\* Swift, *Life of Garrison*, p. 64; Grimké, p. 55.

† Grimké, pp. 58, 68; Smith, pp. 24-25; Wilson, *Rise and Fall of Slave Power*, vol. i., pp. 172-173, 176-177; Williams, *The Negro Race in America*, vol. ii., p. 40.

border States. † was only necessary for a band of men to seize any negro they desired, establish their claim to him before the magistrate, secure their certificate, take the slave away and sell him for what he would bring. Congress had been requested many times to remedy this condition, but nothing was done.

Meanwhile kidnapping became more and more frequent, for the increase in the production of cotton required a larger number of slaves to cultivate the soil. This demand increased their market value and thus added an incentive to kidnappers. Pennsylvania, the home of thousands of free negroes, was so infested with bands of kidnappers that on March 27, 1820, a stringent law was enacted against negro-stealing. The effect of the law was to insure a more careful examination of the claims made to ownership of negroes. As no warrant was required for the seizure and arrest, the people almost always sympathized with the negro and oftentimes rescued the arrested negro even at the expense of their lives. As many of the negroes rescued belonged to citizens of Maryland, the legislature of that State remonstrated to Pennsylvania. That State refused to do anything in the matter and of the slaves that sought refuge on her territory, very few were ever brought back to Maryland. The latter, therefore, sent a commission to Delaware, New Jersey, and Pennsylvania, to ask for a stricter enforcement of the fugitive slave law. The

New Jersey legislature was not in session, but Pennsylvania and Delaware enacted laws in accordance with the wishes of Maryland, Delaware making it a crime for a runaway slave to come within her bounds, forbidding free or slave negroes to leave her soil without a pass, and threatening kidnappers with a fine of \$1,000, an hour at the pillory, etc.\* Pennsylvania required that the claimants obtain a warrant for the arrest, and that the person arrested be examined by a judge. On the other hand, concessions were made to an owner seeking a slave. He could obtain a warrant from a justice of the peace or an alderman and, when the examination took place in court, the trial could be postponed and the negro sent to jail until more evidence is collected. Moreover, if any judge, magistrate, or sheriff did not help the owner to secure the full benefit of the law, the delinquent official might be fined.†

In the District of Columbia slavery was carried on with impunity. On the Virginia side of the District any negro who could produce evidence of freedom could not be arrested as a fugitive, but if such evidence were not produced within three months after demand, the slave might be arrested and hired out until evidence were procured, when he must be discharged without cost and be given a certificate of freedom to be renewed annually.

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\* Collins, *The Domestic Slave Trade of the Southern States*, pp. 85-86.

† McMaster, vol. v., p. 218.



In case such evidence could not be secured within a year after his arrest, the negro must be sold as a slave. On the Maryland side all free persons of color were required to register with the clerk of the county court and to procure a certificate. Negroes found at large without such a certificate must be examined before a magistrate and sold as slaves if adjudged runaways; but should they be declared freemen, they were discharged, provided the costs and rewards usual in the case of runaways were paid. On failure to pay them, such negroes must be sold into slavery.\*

Washington now became a great slave market,† every week large numbers of negroes being taken there by slave dealers and confined in the public jails for safe keeping or taken to one of the private prisons. When twenty or more negro men or women had been gathered, the slave dealer would bring them forth, handcuff them in pairs, and start them South, there to be sold to the highest bidder. No serious effort had been made to stop this traffic, though a grand jury, a public official, or a member of Congress would now and then demand an investigation. In 1816 the suicide of a slave mother horrified the whole city,

and, at the urgent request of John Randolph, a committee was appointed "to inquire into the existence of an inhuman and illegal traffic of slaves carried on in the District and report what measures were necessary for putting a stop to the same."\*\* This committee failed to report any measures, and a decade passed before the House was again troubled by the slave question. Various petitions had been presented to abolish slavery in the District, but it was not before Charles Miner, of Pennsylvania, became a member that the House gave the matter serious consideration.

Miner's attention had been called to this matter by an occurrence during the summer of 1826. A negro (Gilbert Horton), found wandering about the wharves of the city in search of work, was suspected of being a runaway and arrested. He claimed to be free, named several persons in Poughkeepsie who corroborated his statements, and after 26 days' imprisonment secured his release. The sheriff paid the jail fees, or else the negro would have been sold as a slave. Later in the year he was again apprehended, examined and discharged, the sheriff again paying the cost. The gross injustice of the law thus forcibly brought to the attention of a large part of the community compelled the consideration of Congress. On December 26, 1826, therefore, the House Committee on the District of Colum-

\* See also *Niles' Register*, vol. xxxi., p. 25.

† As early as March 1, 1816, Charles Goldsborough had said in the House that "he had more than once met more than a dozen of those unhappy wretches marching in droves through the street. He met them even in the avenue, and it was a notorious fact that this was the channel of transmission for them."—*Annals of Congress*, 14th Congress, 1st session, p. 1117.

\*\* *Annals of Congress*, 14th Congress, 1st session, pp. 1115-1117.

bia was instructed to ascertain if a law were in force authorizing the imprisonment of a negro and his sale into slavery for jail fees and other charges.\* The committee reported that this was possible in Alexandria County and Washington County, though quite unlikely to occur, and recommended that no change be made. For the Virginia side of the District it reported a bill providing that, when free persons of color were arrested on the Maryland side and discharged, the jail fees and other charges should be paid by the county.† Georgetown and Washington City protested against this and the bill was never considered.

But the abolition sentiment had now been aroused. The Twentieth Congress had not been long in session when numerous petitions for the enactment of a law gradually abolishing slavery in the District were presented.‡ It was requested that the domestic slave trade should cease, that the importation of negroes for sale from various States in the District should cease, that private slave pens should be suppressed, that the public prisons be no longer used for confining slaves (the property of dealers), and that a day be named after which all children born of slave parents should be free on attaining a certain age. These pe-

titions availed little, however. They were referred to the committee for the District, which reported a bill that was never considered, and the petitioners, undismayed, just as vigorously besieged the Twentieth Congress during its second session. This time Miner championed their cause and forced the House to take action by introducing a set of resolutions of his own, detailing the iniquitous features of the slave trade. Miner's resolutions provided that the Committee for the District be instructed to take the allegations contained in the various petitions into consideration, inquire into their truth, examine the slave code, look into the slave trade, report the necessary legislation, and state whether or not it was expedient that slavery be gradually abolished in the District.\*

When the discussion began, an effort was made to strike out the preamble, for many of the members said that they had never before heard of many of the allegations therein made, but were willing to vote for the inquiry. Miner, therefore, proceeded to prove the allegations. As evidence, he introduced a report of the keeper of the city prison stating that, during the five years from 1824 to 1828, slave dealers had caused to be confined in the city prison 452 negroes until their owners were ready to take them South,

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\* *Register of Debates*, vol. iii., p. 555.

† *Ibid.*, p. 654; *Niles' Register*, vol. xxxi., pp. 343-345.

‡ *Niles' Register*, vol. xxxiv., pp. 191-192.

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\* *Register of Debates*, vol. v., p. 167; Benton, *Abridgment*, vol. x., pp. 299-300; Wilson, *Rise and Fall of Slave Power*, vol. i., p. 303.

and that 290 others had been imprisoned as runaways.\* In 1827 five negroes, committed without evidence that they were slaves, were sold for jail fees and other expenses. He then went on to cite many instances of barbarous cruelty, reading passages from letters and advertisements disclosing the horrors of the slave trade. In the course of this speech of January 7, 1829, he said:

"Suppose a distinguished foreigner, of correct and expanded views, who had listened with interest to the accounts of our republic, and whose mind is imbued with the liberal principles of the age, is resolved to visit us. He leaves the despotic shores of the European continent with delight. He prays for impelling gales to waft him to this land of justice and freedom. The ten miles square, where the united wisdom and unrestricted power of the nation operate—with what elastic hope and anxious pleasure does he pursue his way to this city. And what objects are here presented to his view? At one market he meets a crowd; and, as he passes near, behold it is a constable exhibiting a woman for sale, subjected to the scoffs and jeers of the unfeeling! He is selling her for a petty debt under the authority of the sanction of Congress. \* \* \* To remove the painful impression, he takes up a newspaper of the District, and reads 'Cash in the Market, and the Highest Prices' for men and women. He walks abroad and sees a gang of slaves handcuffed together, a long chain running between them and connecting the whole miserable objects of horror and despair, marching off under the command of the slave traders. \* \* \* This District ought to be the best governed in the universe. It is absolutely the worst governed. It would not be going much too far to say that there is more crime and more misery here than in any other spot of equal extent on the globe. In 1826 and '27 there were not less than 634 persons committed to the prison in this city for debt. \* \* \* Within the same two years there were no less than 334 persons committed to this goal for criminal offences. This

is independent of those committed to Alexandria, for there are two public prisons in the District. Did any body ever hear of such a thing in a Christian and civilized country?" \*

After listening to a reply by a slaveholding member, the House rejected the preamble with its allegations, but instructed the committee to make an investigation,† which proved as fruitless as any that had preceded it.‡

Meanwhile a serious quarrel had arisen between Georgia, the President, and the Cherokee and Creek Indians. The territory now forming part of Alabama and Mississippi had been ceded by Georgia in 1802, when it was stipulated that the Indian title to land within the State of Georgia should be extinguished by the United States.¶ At that time the Indians possessed about 26,000,000 acres in the State, of which the Creeks owned 18,000,000 and the Cherokees about 8,000,000. The Federal government immediately began negotiations for purchasing this territory, and in the course of twenty years had acquired 14,000,000 acres from the Creeks and 1,000,000 from the Cherokees. This rate of acquisition was too slow for the Georgians, who, charging the United States with bad faith and with violating the agreement of 1802, threatened to take the matter into their own hands. In 1819 a memorial

\* *Register of Debates*, vol. v., p. 179.

† *Ibid.*, pp. 181-187, 191-192.

‡ McMaster, vol. v., pp. 223-226.

¶ Von Holst, *Constitutional and Political History*, vol. i., p. 433; Phillips, *Georgia and State Rights*, in *Annual Report of American Historical Association*, for 1901, vol. ii., p. 34.

\* *Register of Debates*, vol. v., p. 176; Benton, *Abridgment*, vol. v., pp. 306-307.



on the immediate acquisition of the Creek and Cherokee territories was sent to Congress. On January 7, 1822, the memorial was referred to a committee to recommend what was to be done to complete the agreement of 1802. This committee reported that the United States had been inconsistent in its methods of extinguishing the Indian title, and stated that the United States ought to negotiate treaties to extinguish all Indian title to land within the State at the earliest possible moment.\* On June 15 and August 24, 1822, therefore, the President appointed three commissioners to negotiate a treaty with the Cherokees to secure such a piece of territory belonging to them as would pacify the Georgians. The nominations of these commissioners were not approved by the Senate before March 17, 1823, and it was October 4 when the commissioners met the council of the Creek nation. It was then proposed that the United States buy all or part of the Cherokee territory in Georgia, that the Indians move beyond the Mississippi to a tract of the same size as that they had left behind, or that they cede to the United States for the use of Georgia such lands as they could spare. The Indians replied that they would never again cede a foot of land, and the commissioners were unable to dissuade them from their determination.† On January 19, 1824, a me-

morial was presented to Monroe by a delegation of the Cherokee nation assuring him that the Cherokees would not part with another foot of soil and requesting Congress to release the Government from its compact with Georgia.\*

On January 30, 1824, this memorial was answered by Calhoun, who said that the compact must be kept, that the Cherokees could no longer remain as a distinct nation in any State, and that, sooner or later, they must either become a part of Georgia or remove beyond the Mississippi.‡ As the Cherokees again refused, Calhoun on February 17, 1824, requested that the governor of Georgia express his opinion on the matter.‡ Governor George M. Troup reproached the Federal Government for the slothfulness with which the affair had been conducted; asserted that Georgia was determined to have the Cherokee land at any cost; and that, if the Indians did not willingly yield it, the United States must either aid Georgia in taking it forcibly, or fight her.¶ This answer aroused Monroe, and in a special message to Congress on March 30, 1824, he defended the Government's Indian policy. He said:

"I have no hesitation, however, to declare it as my opinion that the Indian title was not affected in the slightest circumstance by the compact with Georgia, and that there is no obligation on the United States to remove the Indians by force. The express stipulation of the compact, that their

\* *American State Papers, Indian Affairs*, vol. ii., pp. 259-260.

† *Ibid.*, vol. ii., pp. 465-473.

\* *Ibid.*, vol. ii., p. 473.

‡ *Ibid.*, vol. ii., p. 473.

‡ *Ibid.*, vol. ii., p. 475.

¶ *Ibid.*, vol. ii., pp. 475-476.

title should be extinguished at the expense of the United States, when it may be done peaceably and on reasonable conditions, is a full proof that it was the clear and distinct understanding of both parties to it that the Indians had a right to the territory, in the disposal of which they were to be regarded as free agents. An attempt to remove them by force would, in my opinion, be unjust.”\*

Shortly afterward the Cherokee agent was instructed, “without delay, and in the most effectual manner, to expel white intruders from Cherokee lands.”† The Creeks also became uneasy and at a council at Tuckanbathee, May 25, 1824, decided to follow the example set by the Cherokees. They determined not to sell a single foot of their land either by exchange or otherwise, and decided that death should be the penalty for any infraction of this law. On October 29 of the same year a council of chiefs at Polecat Spring passed a similar resolution.‡ The commissioners who had been treating with the Cherokees then requested the Creek chiefs to confer with them, but nothing was accomplished, though the commissioners did ascertain that there were a few chiefs who, for a consideration, would sacrifice the interests of their people. On February 12, 1825, a treaty was concluded with these chiefs at Indian

Springs,\* and was ratified by the Senate on March 3, during the last moments of Monroe’s administration. In consideration of \$400,000 and a tract of land beyond the Mississippi, these chiefs sold to the United States almost all the lands owned by the Creeks in the State of Georgia. On March 5, 1825, “under the unsuspecting impression that it had been a negotiation in good faith and in the confidence inspired by the recommendation of the Senate,” Adams signed it and it became a law.‡ The Creeks then became enraged, and, in accordance with the law passed by them, put to death three of the chiefs who had concluded the treaty. The grand jury at Milledgeville branded the deed as “nefarious murder”|| though the Creeks were undoubtedly justified in passing and executing such a law, by their own customs as well as by their tribal status as recognized by the treaties. Instantly the whole Georgia frontier was in an uproar and the followers of the murdered chiefs deserted their homes and sought Governor Troup’s protection.

Tidings of these events soon reached Washington. According to one report, the murder of the three chiefs was traceable to a proclamation issued by Troup assuming juris-

\* Richardson, *Messages and Papers*, vol. ii., p. 235; *Annals of Congress*, 18th Congress, 1st session, p. 463; *Niles’ Register*, vol. xxvi., p. 101. For the report of the committee to which the message referred see *American State Papers, Indian Affairs*, vol. ii., pp. 495-498. For other documents see *Annals*, pp. 464-472.

† McMaster, vol. v., pp. 177-178.

‡ *Niles’ Register*, vol. xxvii., pp. 222-224.

\* For text see *American State Papers, Indian Affairs*, vol. ii., pp. 563-564; *Niles’ Register*, vol. xxviii., pp. 63-64.

† *Statutes-at-Large*, vol. vii., p. 437.

‡ See his first annual message of December 6, 1825, in Richardson, *Messages and Papers*, vol. ii., p. 306.

|| *Niles’ Register*, vol. xxviii., pp. 196-197.

diction and announcing that the Indian lands would be surveyed at once. Troup sent assurance to Washington that there would have been no trouble had it not been for the criminal conduct of the agent. To ascertain the truth President Adams sent a special agent (T. P. Andrews) to examine the charges made by the different parties, and also ordered General Gaines to Georgia to quiet the excitement of the Creeks, and, if necessary, to call upon Governor Troup for militia to keep the Indians in order. On his way south Andrews delivered a letter from the Secretary of War to Troup which stated that the President "expected" that the survey would not be made.\* It had been stipulated by the treaty that the Creeks might delay their removal until September 1, 1826, during which time no survey of their lands should be made.† Troup cared little for this, however, for in his opinion the minute the treaty was ratified, Georgia had absolute title and jurisdiction over the Creek territory — and without exception or qualification. The United States had authority to protect the Indians, but could do no more.‡ Soil and jurisdiction went together, and Georgia would never have a better title to the land than she possessed at that moment. An unseemly contest now ensued between Troup, Gaines

and the President as to whether or not the survey should be made.\* The tone of Troup's letter was certainly not diplomatic, and he could not resist the temptation to drag in the slavery question.†

The opportunity to bring this into the discussion was afforded by a motion of Senator King, of New York, to devote the surplus of the sale of public lands, after the National debt had been paid, to the emancipation of slaves and the colonization of free negroes; and by an opinion of Attorney-General Wirt in which he held to be unconstitutional a law in South Carolina providing for the imprisonment of colored persons working on a ship until the ship left the harbors of the State. In his message of May 23, 1825, Troup mentioned these facts as being "officious and impertinent intermeddlings with our domestic concerns" and said that "very soon, therefore, the United States government, discarding the mask, will openly lend itself to a combination of fanatics for the destruction of everything valuable in the southern country." He earnestly entreated the Legislature "now that it is not too late, to step forth, and, having exhausted the argument, to stand by [its] arms."‡

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\* *American State Papers, Indian Affairs*, vol. ii., p. 795, *et seq.*

† For the letter see *Niles' Register*, vol. xxviii., p. 318.

‡ *Ibid.*, vol. xxviii., pp. 275-276, 240; *American State Papers, Indian Affairs*, vol. ii., pp. 751-753; H. V. Ames, *State Documents on Federal Rela-*

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\* *Niles' Register*, vol. xxviii., p. 317.

† *Statutes-at-Large*, vol. ii., pp. 141-142.

‡ *Niles' Register*, vol. xxviii., p. 318. Troup's letter of June 3.



The committee to which this part of the message was referred "proclaimed that the hour is come, or is rapidly approaching, when the states from Virginia to Georgia, from Missouri to Louisiana, must confederate, and, as one man, say to the Union: We will no longer submit our retained rights to the sniveling insinuations of bad men on the floor of Congress, our constitutional rights to the dark and strained constructions of [designing] men upon judicial benches."\* Hence the legislature should approve the governor's exhortations for the Georgians to stand by their arms, and the members "for the support of this determination [should] mutually pledge to each other [their] lives, [their] fortunes, and [their] sacred honor."† But fortunately the House took no action in the matter and the subject was dropped.‡

On June 13, 1825, Troup notified Gaines that the survey would be undertaken in spite of opposition from any quarter.¶ Later he wrote Gaines that the laws of Georgia had been ex-

tended over the Creek territory and he would execute them.\* On June 25 a letter was sent to Troup by the War Department notifying him that the execution of his scheme would be on his own responsibility and that the Federal government would not be responsible for the consequences.† Troup answered that the Federal government was inciting the Indians to bloodshed and that Georgia would "guard and fence herself against the perfidy and treachery of false friends."‡ On July 21 Troup was informed of the President's decision that the survey would not be allowed;§ Gaines was instructed to use armed force wherever necessary and a copy of these instructions was sent to Troup.¶ On August 7 Troup wrote to the President a letter in which he claimed that Adams made and broke treaties at pleasure. The letter ended thus:

"Now, sir, suffer me in conclusion to ask if these things have been done in virtue of your instructions, expressed or implied, or by authority of any warrant from you whatsoever; and, if not so done, whether you will sanction and adopt them as your own, and thus hold yourself responsible to the government of Georgia."¶

Long before this Adams had become convinced that the chiefs who

tions, no. v., p. 17. In this connection see also U. B. Phillips, *Georgia and State Rights*, in *Annual Report of the American Historical Association* for 1901, vol. ii.

\* *Niles' Register*, vol. xxviii., p. 271. See also *American State Papers, Indian Affairs*, vol. ii., pp. 731-734.

† *Niles' Register*, vol. xxviii., pp. 271-272; Ames, *State Documents on Federal Relations*, no. v., p. 17, also no. iii., pp. 25-31. See also Phillips, *Georgia and State Rights*, in *Annual Report of the American Historical Association* for 1901, vol. ii., pp. 58-60.

‡ McMaster, vol. v., p. 205.

¶ *Niles' Register*, vol. xxviii., p. 392; *American State Papers, Indian Affairs*, vol. ii., p. 796.

\* *American State Papers, Indian Affairs*, p. 795; *Niles' Register*, p. 393.

† *American State Papers, Indian Affairs*, p. 808.

‡ *Niles' Register*, vol. xxviii., pp. 392-398; *American State Papers, Indian Affairs*, vol. ii., p. 809.

§ *American State Papers, Indian Affairs*, vol. ii., p. 809; *Niles' Register*, vol. xxviii., p. 412.

¶ *Niles' Register*, vol. xxviii., p. 413; *American State Papers, Indian Affairs*, vol. ii., p. 810.

¶ *Niles' Register*, vol. xxix., pp. 14-16; *American State Papers, Indian Affairs*, vol. ii., pp. 812-814.

had signed the treaty of Indian Springs represented but a small portion of the nation. He was satisfied also that force would be necessary to make the Indians leave their territory. As he did not wish to resort to arms, Adams instructed the Secretary of War to summon the chiefs to Washington, and there, on January 24, 1826, a new treaty was concluded and subsequently ratified by the Senate.\* As this treaty ceded much less territory than the treaty of Indian Springs, the Georgians considered it unpardonable. Troup declared that he would not recognize the last treaty, and ordered the work of surveying to begin on the territory not ceded by the Creeks. On appeal by the Indians, Adams ordered the arrest of the surveyors and informed Troup that, if it became necessary, the survey would be stopped by United States forces.† On January 31, 1826, he laid the whole matter before Congress in a special message,‡ but that body did nothing and Georgia continued her aggressions against the Indians in her own way. The legislature adopted a set of resolutions declaring that the United States had violated the contract with Georgia, which breach of good faith had caused the trouble with

the Cherokees; that Georgia was the absolute owner of all lands within the limits of the State; that she had a right to spread her laws over the whole territory in dispute; and that, being mere tenants, the Indians could be expelled at any time and the State take possession.\*

Meanwhile the new treaty had been bitterly denounced in Georgia. Unlike the treaty of Indian Springs, the new treaty did not stipulate simply for the "whole territory lying within the State of Georgia." The Administration had endeavored to transfer this whole article unchanged into the new treaty, but the Creeks would not listen to it because the boundary between Georgia and Alabama had not yet been drawn and therefore they would not have known what they actually had ceded.† Berrien, of Georgia, accused the Administration of having made itself the "conscious instrument of the fraud" which the chiefs planned against their own tribesmen. Troup declared (February 17, 1827) that he held only to the treaty of Indian Springs, as the rights gained by Georgia through that could not be taken away.‡ Accordingly the surveyors were ordered to begin work on the territory lying west of the boundary lines indicated in the treaty concluded at Washington. The Indians compelled the surveyors to stop

\* *Statutes-at-Large*, vol. vii., p. 268; *American State Papers, Indian Affairs*, vol. ii., pp. 613-614. See also Schouler, *United States*, vol. iii., pp. 373-374.

† Schouler, *United States*, vol. iii., pp. 380-381.

‡ *Richardson, Messages and Papers*, vol. ii., pp. 324-326; *American State Papers, Indian Affairs*, vol. ii., pp. 611-612; *Niles' Register*, vol. xxx., pp. 175-178.

\* McMaster, vol. v., pp. 181-183. Resolutions adopted December 19 and 27, 1827.

† *Niles' Register*, vol. xxxi., p. 282.

‡ *Ibid.*, vol. xxxii., p. 16.

work and appealed to Adams, who ordered the United States attorney and marshal of Georgia to imprison any persons engaged in land surveys on the other side of the boundary last agreed upon and to bring them before the proper court. Troup was informed of these orders and told that Federal soldiers would be sent to prevent further interference with the treaty.\* On February 5, 1827, Adams laid the matter before Congress in a special message† saying that he had abstained from the application of any military force because if the army “should have been employed to enforce its violated law, a conflict *must* have ensued, which would itself have inflicted a wound upon the Union and have presented the aspect of one of these confederated states at war with the rest.”‡

Troup defied the government with the “defiance which it [the Secretary’s letter] merits” to enforce the treaty stipulation and said that such an attempt would be resisted to the utmost. He instructed the legal officers of the State to use every means to free the imprisoned surveyors and to bring those concerned in their imprisonment to trial. He ordered also

the State military officers to hold the troops in readiness “to repel any hostile invasion of the territory of this State,”\* “by the unblushing allies of the savages.”† On February 27 he sent a circular to the Senators and Representatives of Georgia informing them of his action, at the same time saying that the question of State sovereignty could not be decided by the Supreme Court, but must be solved in some other way.‡ On the other hand Congress took no action in response to the President’s message.

The Cherokees had now become quite civilized; their territory was richly endowed by nature; they had applied themselves to agriculture and to manufacturing on a small scale; and by degrees were acquiring the outward evidences of civilization attained by their white neighbors.|| Naturally they wished to give up neither their land nor their political and social organization, using every means to prevent the Creeks from ceding their lands, well knowing that Georgia could more easily present the same alternative to them if first she got rid of the more powerful brother-tribe. That Georgia intended to accomplish this very thing is apparent from the tenor of her legislative enactments. On December 2, 1826, she passed a law depriving all Indians not

\* Niles, vol. xxxi., p. 372; *American State Papers, Indian Affairs*, vol. ii., p. 864; Schouler, *United States*, vol. iii., p. 381.

† Richardson, *Messages and Papers*, vol. ii., pp. 370-373; *American State Papers, Indian Affairs*, vol. ii., pp. 862-863; *Register of Debates*, vol. iii., pp. 267-269; Benton, *Abridgment*, vol. ix., pp. 299-300.

‡ For the report of the committee to which the documents were referred see *American State Papers, Indian Affairs*, vol. ii., pp. 869-872.

\* *Niles’ Register*, vol. xxxii., p. 16.

† Harden, *George M. Troup*, p. 485.

‡ *Niles’ Register*, vol. xxxii., p. 20.

|| See *Exec. Doc.* 102, 23d Congress, 1st session. Cf. Wirt’s letter of June 4, 1830, in *Niles’ Register*, vol. xxxix., pp. 69-70.



acquainted with the English language of the right to testify in a State court\* and exactly a year later extended the criminal jurisdiction of the State over a part of the Cherokee territory by adding it to the counties of Carroll and De Kalb.† This was too much for the Indians and a delegation was

sent to Washington which, on February 11, 1829, presented to President Adams a written protest against these encroachments, but Adams took no steps in the matter because his term of office was to expire in a few weeks. Hence the adjustment of the dispute was left to Jackson.

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## CHAPTER XXXVIII.

### 1815-1832.

#### SOCIAL AND ECONOMIC CONDITIONS AND PROBLEMS.

Growth of population — Conditions in New York — Efforts to introduce gas lighting — The introduction of anthracite coal — Migration to the West — Efforts to secure land grant for immigrants — Conditions in the Southwest — The use of steamboat navigation — Attempts to obtain National aid for internal improvements — Opening of the Erie Canal — State appropriations for internal improvements — Early railroad charters — The problems of paupers, petty criminals and debtors — Relief, benevolent and other societies — Reform of the penitentiary systems — Condition of the working classes — The formation of labor organizations — The Free Enquirers and the Rappites — Robert Owen's communistic experiment at New Harmony — Fanny Wright's settlement at Nashoba — Entrance of the workingmen into politics — Labor journals — Labor conventions — The kidnapping of William Morgan and its political influence — Rise of the Anti-Masonic party.

The census of 1820 brought forth some remarkable and interesting facts. The population of the country had increased from 7,239,881 in 1810 to 9,638,453 in 1820. Of the inhabitants in 1820, about 1,600,000 lived in New England, 2,700,000 in the Middle States, 2,900,000 in the Southern States, and 2,250,000 in the West. The population of Delaware had increased only 75 during the decade, while New York had assumed first rank as the most populous State, superseding Virginia, the former then

having 1,372,812, while the latter had only 1,065,366. Pennsylvania closely followed Virginia with 1,049,458. New York had increased 413,000, and Ohio came next with an increase of 351,000, which raised her from thirteenth to fifth place. Massachusetts had dropped back from fifth to seventh place, having a population of only 523,287, and thus falling behind North Carolina with 638,829, Ohio with 581,434, and Kentucky with 564,317. During the decade, or immediately following the taking of the census, six States had entered the Union, Indiana having been admitted on December 11, 1816, Mississippi on Decem-

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\* *Niles' Register*, vol. xxxv., p. 42.

† *Ibid*, vol. xxxv., p. 42; McMaster, vol. v., p. 183.

ber 10, 1817, Illinois on December 3, 1818, Alabama on December 14, 1819, Maine on March 15, 1820, and Missouri on August 10, 1821. New York City then became the metropolis of the country, having increased her population from 96,372 in 1810 to 123,706 in 1820. The city had now become the favorite spot for landing emigrants from England and Ireland, and as most of these settled in this port city its wonderful growth may easily be accounted for. Boston had increased from 33,250 in 1810 to 43,298 in 1820; Albany from 9,356 to 12,630; Baltimore from 35,583 to 62,738; while Philadelphia contained about 112,772 inhabitants. One of the most remarkable cities was Charleston, which had 24,711 inhabitants in 1810 and only 70 more in 1820.

Between 1820 and 1830 the changes were quite as noticeable. The total population in 1830 was 12,866,020, an increase of  $33\frac{1}{4}$  per cent. New York still held first rank as the most populous State with 1,918,608 inhabitants. Next in order came Pennsylvania with 1,348,233, Virginia with 1,211,405, Ohio with 937,903, North Carolina with 737,987, Kentucky with 687,917, Tennessee with 681,904, Massachusetts with 610,408, South Carolina with 581,185, and Georgia with 516,823; all the others having less than 450,000. New York City still held prestige as the largest city with 202,589, and Philadelphia was still second with 161,410. The next largest cities were Baltimore with 80,625, Boston with

61,392, New Orleans with 46,310, Cincinnati with 24,831 (an increase of 9,642) and Albany with 24,238. Buffalo and Rochester had grown enormously—the former from 2,095 in 1820 to 8,653 in 1830, and the latter from 1,502 to 9,269. Other cities showing large growth were Louisville (from 4,012 to 10,341), Albany (from 12,630 to 24,238), Brooklyn (from 7,175 to 15,396), and Troy (from 5,264 to 11,405). Among cities not previously enumerated were Detroit, with 2,222, Lowell, Massachusetts, with 6,474, and Nashville, Tennessee, with 5,566. During the decade Savannah, Georgia, gained only 53, increasing from 7,523 to 7,776.\*

New York City had grown so rapidly that houses were at a premium. There was not an unoccupied dwelling-house in the entire city; in the upper wards, on sites which in 1820 were covered with marshes, were now entire blocks of fine brick houses. In Canal Street, formerly containing a stagnant pool, a new city had arisen. New streets had been opened in Greenwich and new buildings were constantly being erected all along the Bowery. Never in its history had the commerce of the city been greater. During the course of a single year \$10,000,000 had been collected in duties. An average of 1,300 vessels yearly entered the port. There were twelve banks in the city, with an ag-

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\* The population of all the States by decades will be found in volume i., pp. 10-11. of this History.

gregate capital of \$13,000,000 and ten marine insurance companies with a capital of \$10,000,000. These, however, were insufficient to transact the great volume of trade in the city, and, when the legislature met, 27 more banks applied for charters with a combined capital of \$22,500,000, and 31 other corporations with a capital of \$15,000,000.\*

Despite its commercial importance, New York was in many respects a country village. Its governmental facilities had not increased with its population. It had become large in area before it ceased to be small in customs, usages, and the administration of affairs. Besides the mayor, alderman and recorder, there were departmental officials, such as the superintendent of streets, the chief engineer of the fire department, etc. The street superintendent had little to do with cleaning the streets, however, for the occupants of dwelling-houses and owners of vacant lands on paved streets were required to scrape and sweep the pavement as far as the middle of the roadway, gather the sweepings in a pile and on it place ashes and other rubbish from the house. The city removed this rubbish and also swept the paved streets before unoccupied houses at the cost of the owner. Between December and April no street cleaning was attempted, and hogs were allowed to roam the streets provided they had rings in their noses. The night watch cared for the lamps

and other utensils used to illuminate the streets, and at sundown lighted the lamps and kept them burning until morning. Similar conditions existed in Philadelphia.

In 1816 an effort was made to introduce gas, and Dr. Kugler began the manufacture of what was known as carbonated hydrogen.\* The apparatus was installed in Peale's Museum at Baltimore and a gaslight company was formed in that city in 1816 for the purpose of furnishing the city and individuals with gaslight,† but the process of laying the pipes was so slow that the company did not begin business before 1820. In 1822 Boston adopted gas as a means of street lighting and New York in 1823, when the New York Gas Light Company was incorporated. An attempt was made to introduce gas in Philadelphia in 1825, when a bill was discussed in the legislature to incorporate the Philadelphia Gas Light Company, with power to lay pipes in the streets and furnish gas. Public prejudice defeated the scheme, for gas was de-

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\* As early as 1796 gaslights were made and exhibited by Peter Ambrose and Company, manufacturers of fireworks, at their amphitheatre in Arch Street, above Eighth, Philadelphia. The inflammable air issued from orifices in bent tubes of various designs. In 1802 Benjamin Henfry, an Englishman, proposed to light with gas made from coal the neighborhood of Central Square, Philadelphia. He proposed also to light the government lighthouses along the coast in the same manner. On April 16, 1802, he was granted a patent for a "cheap mode of obtaining light from fuel." See Bishop, *History of Manufactures*, vol. ii., pp. 67, 93.

† Bishop, *History of Manufactures*, vol. ii., p. 231.

\* McMaster, vol. v., pp. 122-124.



nounced as an unsafe and unreliable means of illumination, while its manufacture was considered a nuisance. Despite the arguments in its favor, Philadelphia was without gas until 1837.\*

The same difficulty was encountered in introducing the use of anthracite coal. It was known that anthracite abounded in Pennsylvania, and in 1792 the Lehigh Coal Mine Company had been formed to mine coal in Lehigh County. Wood was plentiful, however, and as most stoves were suited to its use, the new fuel seemed unnecessary; and the company could secure no market. Hence the experiment failed completely. One of the problems to be solved was that of transportation from the mine to the river landings. Some time later the obstructions in the Lehigh were removed so that coal could more easily be transported to a wire factory at the Falls of the Schuylkill. Several arks were loaded with coal and sent down the river,† but three of them were wrecked and the two cargoes that reached their destination brought \$21 a ton. Failure attended every effort to light a fire in the furnaces until one night a workman shut the door of one of the furnaces and started home

in disgust. Returning a little later, however, the man found the coal burning brightly and the furnace red hot. This solved the problem of the draft, and thenceforth the coal and iron industries of Pennsylvania developed steadily. In 1819 coal was advertised at Philadelphia at \$8.40 a ton. A new coal company was organized, and in 1820 365 tons of anthracite reached Philadelphia. To New Yorkers the new fuel was a great boon, for the vast quantities of wood consumed by the steamboats and ferryboats had driven the price up to a figure prohibitive to persons in moderate circumstances. The coal sold at \$8.50 per ton, but at first the householders were loath to bear the expense of replacing andirons with grates. Finally, however, in order to secure a market, the coal dealers gave grates to persons who would promise to use coal; and thereafter the sale was brisk. At one time New Yorkers boasted of 4,000 tons of coal stored in their city, which was believed to be the largest coal heap in the country.\*

The growth of the West was phenomenal during the years immediately following the war, but it had taken place at the expense of the East.† The ill effect upon the resources and incomes of the people in the East of the imposition of new taxes, just prior to and during the war, compelled many to sell their possessions and secure homes in the vicinity of the Great

\* On November 25, 1816, however, the New Theatre at Philadelphia was illuminated with gas-lights under the direction of Dr. Kugler, this, according to Bishop (*History of Manufactures*, vol. ii., p. 231) being the first theatre on the continent so illuminated.

† Bishop (*History of Manufactures*, vol. ii., pp. 105, 117) says coal was sent down the river as early as 1804.

\* McMaster, vol. v., pp. 129-130.

† Turner, *Rise of the New West*, p. 56 *et seq.*

Lakes or in the Mississippi Valley. Ohio, which contained 230,760 population in 1810, grew to 581,434 in 1820 and to 937,903 in 1830; during the same period Indiana's growth was from 24,520 to 147,178 in 1820 and to 343,031 in 1830, and Kentucky from 406,514 in 1815 to 564,317 in 1820 and 687,917 in 1830. The West was almost transformed, villages and towns springing up with amazing rapidity. One little town in Jefferson County, Ohio (Mt. Pleasant), which in 1810 was a little hamlet containing seven families living in cabins, in 1815 contained 90 families numbering 500 persons, and had seven stores, three taverns, a market house, a school house, a meeting house, a wool-spinning machine, a thread factory, and forty artisans and mechanics, representing eleven trades; while within a radius of six miles were nine merchant mills, a paper mill, twelve saw mills, two grist mills and a factory for fulling wool cloth.\* Cincinnati had several shops devoted to the manufacture of nails, made firearms of all kinds, cotton and woolen machinery, saddlery and carriage mountings, clocks, pottery, window glass, furniture of all descriptions, vehicles of all kinds, boots and shoes, hats, beers, porter and ales, flour, mustard, white lead, sugar, soap, candles, etc.; and there were a steam saw-mill and four cotton spinning establishments.† After the early 20's its principal industry,

however, was pork-packing, from which it gained the name "Porkopolis."\*\*

By 1817 migration to the West had become so great that its effects were plainly visible on the seaboard, where some towns were almost depopulated while the majority ceased growing altogether. Indeed, as Morris Birbeck wrote in 1817: "Old America seems to be breaking up and moving westward."† If not for the constant influx from Europe, the depopulation of the Atlantic States would have been still more perceptible. It was almost impossible for so many new-comers to secure employment at once, however, particularly in a time of general business depression; and many, finding their dreams of prosperity unrealized, returned home. Those who remained were cared for at Philadelphia by the Society of United Irishmen and at New York by the Shamrock Friendly Association. As immigration from Ireland increased other associations were formed, such as the Hibernian Society of Baltimore, the Irish Emigrant Society of New York, and similar societies in Philadelphia and Pittsburg.

On February 16, 1818, in order to encourage emmigration to the West the New York Irish Emigrant Association, the Hibernian Society of Baltimore and the Philadelphia Society

\* McMaster, vol. iv., p. 385.

† Niles' Register, vol. ix., pp. 35-36.

\* Turner, *Rise of the New West*, p. 97; Drake and Mansfield, *Cincinnati in 1826*.

† Birbeck, *Notes on a Journey from Virginia to Illinois*, p. 25.

called on Congress for aid in the shape of a land grant.\* They desired Congress to set apart a tract of unsold land in Illinois for the exclusive use of Irish immigrants, and to extend 14 years' credit to each settler. In their effort to secure the consent of Congress to this grant, the agents of the societies at Washington, on February 18, 1818, offered six specific propositions to the Committee on Public Lands, requesting that the Secretary of the Treasury be authorized to set apart a certain number of townships east of the military bounty line in Illinois; that each alternate section of these townships should be sold only to Irish immigrants; that no one should be permitted to buy more than a square mile; that the price should be \$2 per acre, payable in three instalments in four, eight and twelve years; and that each settler must cultivate one-fifth of all the property purchased, erect a dwelling house, and if he did not comply with the three conditions of settlement and mode of payment he might be dispossessed at the end of twelve years.† But the committee did not consider it good policy to sell the large tracts of land in Illinois at \$2 per acre with long credit when land in Alabama was selling at \$73 per acre and in Mississippi

at \$40, and the petition resulted in nothing.

In the Southwest there had also been astonishing changes. In 1820 St. Louis contained 4,598 population and by 1830 had grown to 5,852. Louisville had outstripped St. Louis, having grown from 359 in 1800 and 1,357 in 1810 to 4,012 in 1820, and 10,341 in 1830. In 1789 the first brick house in Louisville was built; in 1801 the first newspaper, *The Farmers' Library* was published (being succeeded in 1808 by *The Louisville Gazette*); in 1810 its first policemen were appointed at a salary of \$250 per year; and in 1813 the first street in the city was paved. In 1811 a Catholic Church was erected followed by a Methodist Church in 1812, the First Presbyterian Church in 1816, and Christ Church Episcopal in 1825. The city was rapidly becoming a commercial centre and early gained a reputation as a liquor emporium.\* South of St. Louis the frontier crossed Arkansas and passed far to the west of Alexandria, where at the falls of the Red River a flourishing town existed. Alabama was the favorite place for southern emigrants. In 1813 this was practically a wilderness, overrun by the Creek and Seminole Indians. In 1816 Fort Claiborne, on the bank of the Alabama, consisted of the log cabin of one lone settler, but two years later there were 2,700 people living there. In 1817 the site of Blakely was a dense forest, but a year

\* *Niles' Register*, vol. xiv., pp. 211-215; *Annals of Congress*, 15th Congress, 1st session, pp. 202-205.

† *Niles' Register*, vol. xiv., pp. 229-235; McMaster, vol. iv., pp. 393-394.

\* Hulbert, *The Ohio River*, pp. 274-275.



later there were 80 dwellings, 500 inhabitants, and 10 warehouses.\*

The rapid emigration to the West gave new impulse to internal improvements, for with the development of new fields for commercial enterprise in the West the question of cheap transportation of freight assumed great importance. The seaboard manufacturers, shippers and importers who had previously looked to Europe for their trade now faced about to seek their custom from the Mississippi Valley. The need of good routes of transportation† produced a demand for State aid to transportation facilities. State after State complied and an era of internal improvements opened. One of the most important characteristics of the era was the development of steam navigation. Up to 1812 the use of steamboats had been confined to the Hudson and the Delaware.‡ East of New York City not a single steamboat existed and south of Philadelphia but little had been done to open up steam navigation. John Stevens had attempted to establish a line of steamboats on the Chesapeake and a company had even been formed, but no boats were on the Bay, for the grant which he had obtained from North Carolina for exclusive right to navigate the waters of the State was contested by Livingston and Fulton. Public notice was

given that the grant was illegal, null, and void; was contrary to the laws of the United States under which Livingston and Fulton had obtained their patent; and that all who conspired with Stevens to invade their rights would be prosecuted. Notwithstanding, rival companies were being established: first, to connect Elizabeth City at the head of the Pasquotank River with New Berne on the Neuse River; second, the Robert Fulton Company to run a boat from Beaufort to Wilmington; and third, the Charleston Steamboat Company to run vessels between Wilmington and Charleston, South Carolina. In 1811 the Potomac Steamboat Company was incorporated by an act of the Virginia legislature, but two years passed before the first of its boats appeared on the river.

There was only one steamboat beyond the mountains—the *New Orleans*, which traveled between Natchez and New Orleans.\* It had been doubted that a steamboat could be used on the Mississippi because of the velocity of the current, but in 1809 Nicholas J. Roosevelt made an expert examination and, on rendering a favorable report, was directed to build a steamboat at Pittsburg. This he did and, on October 29, 1811, she left Pittsburg for New Orleans where she arrived on December 24, having been

\* *Niles' Register*, vol. xv., p. 198.

† Regarding those then in existence see Turner, *Rise of the New West*, p. 80 *et seq.*

‡ For details see McMaster, vol. iv., p. 397 *et seq.*

\* Hulbert (*The Ohio River*, p. 241) says the first ocean-rigged vessel on the Ohio was the *St. Clair*, 110 tons, built at Marietta, on the Muskingum. The *St. Clair* left Marietta in May of 1800, and arrived at New Orleans in July.

delayed by low water.\* When the success of the *New Orleans* became known rivals began to appear, and it soon became possible for the planters and farmers of the Mississippi Valley to exchange products with the merchants of Europe and the West Indies.†

But while the West was making such progress, great things were being done also in the East. The monopoly held by Livingston and Fulton over the waters of New York soon began seriously to affect the commerce of that State. All others were compelled to pay royalty for a license, and, as these licenses were very costly, men naturally began to look about for some other motive power than steam. This resulted in the invention of the Teamboat, generally ascribed to Moses Rogers. This was a twin boat with a wheel between the two hulls, the motive power being supplied by eight horses walking in a circle on deck and turning a crank. Though the machinery was primitive it drove the boat across the East River in from eight to fifteen minutes, and as there were no steam boiler, fuel or sails, and as no license fee was to be paid Fulton, this type of boat rapidly came into use. On the Delaware new enterprises were being pushed forward rapidly. The Shrewsbury Stage and Steamboat Company was chartered

by New Jersey to run a ferry on the Delaware; the Pennsylvania and New Jersey Steamboat Company was given a charter by each State to operate a ferry between Southwark and Kaighn's Point, New Jersey, and another had been chartered to connect Philadelphia and Baltimore by steam. After the war the *Fulton*, which had been running between New York and Albany, began trips to New Haven, and in May the *Washington* sailed from New York to Norfolk. A boat was constructed by a freight-moving firm (Porter, Barton & Company) to run between Buffalo and Detroit. Steamers soon began to ply between New York and New London, stopping at New Haven; two rival lines operated between Philadelphia and Baltimore; a freight and passenger steamer made trips between Savannah and Augusta; and another made the trip from Charleston to Savannah.\*

While improvements were being made in transportation by water, little had been done to facilitate freight shipments and passenger service by land. Unless an easy means of communication were offered between East and West, it was feared that the two sections would become not only commercially but also politically independent of each other. The advent of the steamboat on the Mississippi brought a port within easy reach of the Westerners, and New Orleans was rapidly becoming the emporium of

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\* Bishop, *History of Manufactures*, vol. ii., p. 173; Hulbert, *The Ohio River*, pp. 330-333.

† McMaster, vol. iv., pp. 400-402. See also Babcock, *Rise of American Nationality*, p. 244.

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\* McMaster, vol. iv., pp. 402-407.

their trade. The time would come when the Westerners would cease to buy from the importers of New York and Philadelphia unless a good system of National internal improvements were instituted. During the second session of the Fourteenth Congress (1816-17) the matter was taken under consideration. The committee to which Madison's remarks on the subject in his annual message were referred, recommended Gallatin's old plan.\* They reminded the House that four short canals across four necks of land would enable ships to go by an inland route from Boston to St. Mary's River. They advised that a National turnpike be constructed from the seaports and large towns along the chief post routes from Maine to Louisiana, also advocating less costly roads leading from some point on the great turnpike in New York to the military and naval stations at Sackett's Harbor, and on the Lakes from Pittsburg to the western frontiers, from Detroit to St. Louis, and from St. Louis to New Orleans. They approved also of aiding the construction of the Erie Canal, of joining Lake Erie with the Ohio River below the falls, and of connecting the head waters of the principal rivers of the Atlantic slope with those flowing into the Mississippi by means of good mountain roads. They did not think, however, that any of these enterprises should be undertaken by the United States alone, and a bill was presented

authorizing the Secretary of the Treasury to begin by subscribing to the stock of the Delaware and Chesapeake Canal and to the Dismal Swamp Canal.\* But the report and the bill received no consideration in the House, whose attention was wholly engrossed by a bill reported on December 23, 1816, from a select committee appointed on the motion of John C. Calhoun.† Now that business activity had returned, Calhoun believed it all important to look into the plans of internal improvement at Government expense, and he asked that a committee be appointed to consider the expediency and desirability of setting apart the bonus and net annual profits in the form of dividends of the Bank of the United States as a permanent fund for internal improvements.‡ This motion was adopted by the House, the committee was appointed, and on December 23 a bill to that effect was reported. It provided that the \$1,500,000 bonus exacted from the Bank as the price of its charter and the dividends on the \$7,000,000 of bank stock owned by the United States be set apart for building roads and canals.|| The session was nearly at an end before Calhoun could persuade the House to take this bill under consideration, and when at last the House

\* *American State Papers, Miscellaneous*, vol. ii., pp. 420-423, 438-442; *Niles' Register*, vol. xii., pp. 12-13; *Annals of Congress*, 14th Congress, 2d session, pp. 924-933.

† *Annals*, pp. 296-297.

‡ Jenkins, *Life of Calhoun*, p. 137.

|| *Annals*, p. 361.

\* See volume v., pp. 306-307 of this History.



did so, he made a long speech on the advantages of good roads and canals.\*

The discussion then became general, the question of constitutionality and expediency being discussed at length.† In order to remove all doubts as to the right of Congress to use revenue for internal improvements, Pickering moved that the bill be amended. Finally the bill was passed as Pickering suggested — the bonus and the dividends were to constitute a fund for constructing roads and canals and for improving the navigation of water courses. Such works were not to be begun in any State without first obtaining its consent. The New England members were bitterly opposed to the scheme because of hatred to the West, and because they did not wish to make it easier for the West to depopulate the East. Nevertheless the bill passed in the House by a majority of 2 (86 to 84),‡ and upon being sent to the Senate was passed on March 1 by a vote of 20 to 15.§ The Senate amendments were accepted by the House by a vote of 61 to 63,§ and the bill was sent to the President for his signature. On March 3, 1817, however, Madison vetoed the bill as being unconstitu-

tional. He said that the power to regulate commerce in the United States could not include the power to construct roads and canals and to improve navigation water courses, and therefore that such power was not possessed by Congress. The States could not confer the power on Congress, since such cases had not been specified and provided for in the Constitution.\* An attempt was made to pass the bill over the veto, but it lacked the constitutional two-thirds vote and failed of passage.†

Nevertheless the work of opening and developing communication with the West was not delayed. Four months after Madison had vetoed the Bonus Bill, work was begun on the construction of the Erie Canal at Rome, New York. There had been many ineffectual attempts to construct the Erie Canal but the promoters of the canal were undiscouraged, and when peace returned in 1815 memorials were addressed to the legislature setting forth the advantages to be derived from joining the waters of Lake Erie and the Hudson. Meetings were held in every town of importance and various city corporations seconded the undertaking. In his message of February 2, 1816, Governor Tompkins particularly commended the project.‡ On April 17,

\* For the speech see *Annals of Congress*, 14th Congress, 2d session, pp. 851-858; Frank Moore, *American Eloquence*, vol. ii., pp. 479-482; Crallé's ed. of Calhoun's *Works*, vol. ii., p. 190 *et seq.* See also Von Holst, *Life of Calhoun*, pp. 35-37.

† *Annals*, pp. 858-871, 874-923.

‡ *Annals*, pp. 933-934.

§ *Annals*, pp. 190-191.

§ *Annals*, p. 1052.

\* Richardson, *Messages and Papers*, vol. i., pp. 584-585; *Niles' Register*, vol. xii., pp. 25-26; *Annals*, pp. 1059-1062.

† *Annals*, p. 1062; Jenkins, *Life of Calhoun*, p. 138.

‡ *Niles' Register*, vol. ix., p. 422.

1816, therefore, the legislature appointed De Witt Clinton, Stephen Van Rensselaer, Samuel Young, Joseph Ellicott, and Myron Holley commissioners to explore routes for canals from Albany to Lake Erie and from the Hudson to Lake Champlain.\* De Witt Clinton was chosen president of the board, and by the end of the summer 450 miles had been explored, surveyed, and leveled, the centre line of the canal had been staked out, and maps and profiles carefully drawn. The veto of the Bonus Bill was a serious setback, as New York's share would have been \$90,000 a year. Nevertheless Clinton persevered and on April 15, 1817, an act was passed authorizing the commissioners to begin the construction of the middle section of the canal, from the Mohawk to the Seneca River, and on the northern canal from the Hudson to Lake Champlain. They were empowered to raise \$250,000 by special taxes, and a canal fund was created and placed in charge of a board of commissioners, who were not to borrow more than \$400,000 per year on the credit of the State. On June 27 the first contract was signed, and on July 4 the first ground was broken at Rome.

After eight years' persistent labor the big ditch was finished, and in June of 1825 the gates at Black Rock were opened and the waters of Lake Erie were dumped into the western division. In October the canal was opened

from end to end. On the 26th of that month the celebration of the opening began at Buffalo with a procession and exercises. Two kegs full of water from Lake Erie were placed on board the *Seneca Chief*, which headed a line of gaily decorated vessels. After addresses had been made, the *Seneca Chief* started on her voyage down the canal to New York. On reaching that city Governor Clinton lifted the kegs from the deck of the *Seneca Chief* and poured their contents into the sea.\*

The canal was in fact little more than a large ditch, being but 4 feet deep and 40 feet wide. The boats were dragged by three horses at the rate of four miles an hour, with relays at every eight miles, the entire journey consuming about four days. The debt entailed by the State in building the Erie and the Lake Champlain canals was \$7,947,770.90, on which the interest was \$427,673.55. Before the Erie Canal was finished, however, the toll began to exceed the interest charges, in 1825 amounting to \$500,000, and in 1826 to \$765,000. The new business created by this immense movement of freight cannot be estimated. The warehouses along the banks of the canal were filled with products of the East and West, with lumber, grain, wheat, flour, poultry, posts, rails, whiskey, etc., bound for

\* For text of act see *American State Papers, Miscellaneous*, vol. ii., pp. 400-401.

\* *View of the Grand Canal* (Albany, 1825); *Niles' Register*, vol. ix., p. 173; Schouler, *United States*, vol. iii., pp. 347-349; Lamb, *City of New York*, vol. ii. See also David Hosack, *Memoir of De Witt Clinton*; James Renwick, *Life of De Witt Clinton*.

the Atlantic markets, and with furniture, merchandise, salt, etc., bound for the West. To that section, therefore, the opening of the canal was a great benefit.\*

New Jersey and Pennsylvania, too, had taken action regarding water transportation. In January of 1816 the governor of New Jersey appealed to the legislature to construct a canal across the State from Trenton to New York, saying that such a canal would be highly profitable. A committee was appointed to select and level the proposed route and to report the cost of construction, but nothing was accomplished then. In 1811 Pennsylvania appropriated more than \$825,000 for roads† and during the five years between 1812 and 1816 expended \$816,885 on schools and academies, turnpike roads, and on bridges, rivers, and creeks. In the six years before 1815 the State passed about 40 acts for turnpikes and about half as many for bridges.‡ After the war, interest in internal improvements was again displayed, \$530,000 being appropriated in 1817, besides which the citizens themselves expended \$5,000,000 in private enterprises. At this time there were 1,042 miles of turnpike roads in the State. In order to tap the central

part of New York to secure the salt and plaster of that section, it was suggested that the Pennsylvania legislature order an examination to be made of a route for a canal from Elmira to Seneca Lake, and in 1817, with the consent of Governor Clinton of New York, this survey was made. Farther south the people were also demanding better transportation facilities. The Baltimore merchants demanded free pikes to the Cumberland and the Susquehanna where it crossed the State line, and a canal from the Chesapeake to the Delaware. In 1816 Virginia established a fund to be devoted to internal improvements;\* in 1818 South Carolina voted \$1,000,000 for similar purposes; North Carolina appointed a commissioner to examine and report on the practicability of improving the navigation on the Tar, the Yadkin, and the Neuse rivers, and called on Congress to open direct communication from the ocean to Albemarle Sound.

It was not unnatural, therefore, when such a demand for internal improvements was made, that the matter should again be agitated in Congress. Madison had then retired and Monroe was supposed to be an advocate of internal improvements. When the latter sent in his first annual message on December 2, 1817, he surprised many by stating that in his mind Congress did not possess the right to establish

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\* A. B. Hulbert, *Historic Highways of America*, vol. xiv., chap. v.; G. S. Callendar, *Early Transportation and Banking Enterprises of the States in Relation to the Growth of Corporations*, in *Quarterly Journal of Economics*, vol. xvii., pp. 3-54.

† Niles' Register, vol. ix., p. 143.

‡ Babcock, *Rise of American Nationality*, p. 249.

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\* Niles' Register, vol. ix., p. 429. For the report of the committee on roads and internal navigation, see *ibid.* vol. ix., supplement, pp. 149-154.



a system of internal improvements such as roads and canals. "It [the right] is not contained in any of the specified powers granted to Congress, nor can I consider it incidental to or a necessary means viewed on the most liberal scale for carrying into effect any of the powers which are specifically granted."<sup>\*</sup> His remarks were referred to a special committee which on December 15, 1817, made a most remarkable report,<sup>†</sup> maintaining that Congress possessed the power under the Constitution to appropriate money for the construction of military and post-roads and canals.<sup>‡</sup> The report and a resolution in accordance with it were sent to the Committee of the Whole, but it was March 6, 1818, before the committee was ready to take the matter under consideration. When it did, still more troublesome constitutional questions were raised — such as whether it was necessary to obtain the consent of a State, how that consent should be obtained, how the State could delegate the right to build roads, canals, etc. The broad constructionists finally succeeded in carrying four resolutions through the Committee of the Whole, resolving that Congress did have the power to build post-roads and military roads, could con-

struct canals for military purposes, could build such other roads and canals as were necessary to facilitate interstate commerce, and could appropriate money for these purposes. When the resolutions were considered by the House, all save the last were defeated. But, as it was understood that the President would veto any bill in support of the measure, the whole subject was postponed to a future time.<sup>\*</sup>

The completion of the Erie Canal threatened the western trade of Philadelphia, and the people began to discuss the relative merits of railroads and canals. John Stevens of Hoboken had several times petitioned the New Jersey and New York legislatures for permission to build a railroad across the State, but without avail. In 1815, however, he secured from New Jersey what is claimed to have been the first railroad charter ever granted in the new world. His road was to join the Delaware and Raritan rivers, connecting the steamboat lines from Philadelphia to Bordentown with those from New Brunswick to New York. But the money to build the railroad could not be secured, and the effort again resulted in failure. Stevens did not lose heart, however, but turned to Pennsylvania and proposed to build a railroad between Harrisburg and Pittsburg. But when, on March 31, 1823, the Pennsylvania House of Rep-

<sup>\*</sup> Richardson, *Messages and Papers*, vol. ii., p. 18; *Annals of Congress*, 15th Congress, 1st session, p. 18.

<sup>†</sup> *American State Papers, Miscellaneous*, vol. ii., pp. 443-447; *Niles' Register*, vol. xiii., pp. 283-287; *Annals of Congress*, 15th Congress, 1st session, pp. 451-460.

<sup>‡</sup> For their reasoning see McMaster, vol. iv., p. 423 *et seq.*

<sup>\*</sup> See *Annals of Congress*, 15th Congress, 1st session, pp. 1114-1180, 1185-1250, 1268-1389; Benton, *Abridgment*, vol. vi., pp. 120-122. See also Turner, *Rise of the New West*, pp. 228-229.

representatives granted Stevens the charter,\* it insisted that the railroad should extend from Philadelphia to Columbia, a town on the Susquehanna, 27 miles south of Harrisburg. The charter was to be in force ten years, and the charges were to be 7 cents a ton per mile on west-bound freight and 3½ cents on east-bound freight. With the grant of the charter interest in the enterprise subsided,† and before any other projects of a similar nature were undertaken the people became divided as to whether canals or railroads were better. The advocates of canals at first held the upper hand, and in 1824 the Pennsylvania legislature empowered the governor to appoint three commissioners to explore a route from Philadelphia to the Ohio. The report rendered by this committee awakened widespread interest, and numerous meetings and canal conventions were held to urge the construction of this means of transportation. The legislature established a regular board of canal commissioners in April of 1825, and a year later directed them to start work on the Pennsylvania Canal at State expense and appropriated

money for this purpose. On July 4, 1826, ground was broken at Harrisburg, and thus Pennsylvania began the construction of her highway to the West.\*

When the State actually began building the canal, the old idea of a railroad was revived, and in July of 1827 the canal commissioners were instructed to make surveys for a route from Philadelphia to Columbia and to finish the work in two years. They were instructed also to examine a route for a railroad over the Alleghany Mountains from Huntington to Johnstown.

Everywhere the construction of railroads became the absorbing topic. In 1826 the New York legislature chartered the Mohawk and Hudson Railroad to join Albany and Schenectady, and in the same year Massachusetts incorporated the Granite Railway Company to extend from Quincy to tidewater on the Neponset River, a distance of three miles.† In 1827 a Board of Commissioners of Internal Improvements was appointed to survey a route for a railroad from Boston to the Rhode Island boundary line and another from that city to the New York boundary line near Albany. On February 28, 1827, some Baltimore merchants obtained a charter from the Maryland legislature for a railroad,

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\* Bishop, *History of Manufactures*, vol. ii., p. 282.

† The charter was repealed on April 7, 1826, and an act passed to incorporate the Columbia, Lancaster and Philadelphia Railroad Company. Two years later (March 28, 1828) the legislature authorized its construction at the expense of the commonwealth. By October of 1834, the tracks had been laid from Philadelphia to Columbia, 8½ miles. On April 8, 1826, the Danville and Pottsville Railroad Company was chartered. See Bishop, *History of Manufactures*, vol. ii., p. 282.

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\* McMaster, vol. v., pp. 141-142.

† Since this road was completed this same year, Bishop (*History of Manufactures*, vol. ii., p. 311) claims it was the first railroad constructed in America. See also Charles F. Carter, *When Railroads Were New*, p. 13 (1909).

and on July 4, 1828, the cornerstone of the present Baltimore and Ohio Railroad was laid at Baltimore.\* The road from Baltimore to Ellicott's Mills was formally opened to the public on May 24, 1830, on which day a train of six cars drawn by one horse was used. On August 28, 1830, steam was used on the road for the first time. The locomotive (the "Tom Thumb") had been designed and built by Peter Cooper of New York, and passed around a curve of 400 feet radius without difficulty but this achievement was soon forgotten.†

\* Carter, *When Railroads Were New*, p. 33 et seq.

† W. H. Brown, *History of the First Locomotives in America*, pp. 108-122; Carter, *When Railroads Were New*, pp. 45-47. Bishop (*History of Manufactures*, vol. ii., p. 330) says that in 1828 the first trip of a locomotive upon a railroad in America was made. In the articles, *The Locomotive*, by Colvin and the *Locomotive and Engine Industry* by Alba B. Johnson, of the Baldwin Locomotive Works, in the *Encyclopedia Americana*, the year is given as 1829. Colvin says that in 1828 Horatio Allen went to England for the Delaware and Hudson Canal Company and bought four locomotives, three from Foster, Rostrick and Company and one from Stephenson. The latter, called the "America" arrived first in January of 1829, but though it was the first to arrive it was not the first to run, and for that reason the "Stourbridge Lion" is generally considered as the first engine in the country. Bishop says the experiment was made on the Carbondale and Honesdale Railroad, extending from the western terminus of the Lackawaxen Canal to the Lackawanna River, and connecting the canals of the Delaware and Hudson Company with their coal mines in Luzerne County, Pa. Allen made the trip alone, crossing the Lackawaxen on a trestle work 30 feet high and returning in safety. The engine, however, was found to be too heavy for the road. Bishop says the first American patent for a locomotive engine was taken out in 1828 by W. Howard, of Baltimore. Johnson says the first distinctively American locomotive was the "Best Friend," which was made to order by the West

The Baltimore and Ohio Railroad Company now invited inventors and builders of locomotives to enter a competition to determine the merits of steam as a motive power. The company also promised to give the best of these locomotives a trial of 30 days' regular work on the road. Three locomotives entered this contest, but only one, that built at York, Pennsylvania, by Phineas Davis, and known as the York engine, met the requirements. This engine weighed but 3½ tons, drew four cars weighing 15 tons, to Ellicott's Mills, passed curves on 400 feet radius without reduction of speed, and attained a speed of 20 miles an hour when running by itself. Another locomotive was tried on the Mohawk and Hudson Railroad in New York. In July of 1830 ground had been broken for this road, and a year later 17 miles had been completed between Albany and Schenectady. At that time an American-made locomotive, the "De Witt Clinton,"\* was placed on the track, attached to a train, and covered the entire distance, including stops, in an hour.† But as some defects were discovered in the locomotive, the road was not opened for business until September, and even then the cars were drawn alternately by

Point Foundry for the South Carolina Railroad. Bishop (p. 346) says this was called the "Phoenix." See also Sparks, *Expansion of the American People*, pp. 275-276; Carter, *When Railroads Were New*, p. 19 et seq.

\* Built at the West Point Foundry, New York. Bishop, *History of Manufactures*, vol. ii., p. 346.

† Coman, *Industrial History of the United States*, p. 235.



horses and by locomotive. In 1831 another engine named the "Robert Fulton" was received from England, tested, found satisfactory, and placed on the road for daily runs.

Meanwhile, in 1828, in New Jersey a charter was granted to a company for the construction of a railroad from Camden to Amboy. In Virginia a route was surveyed for a railroad from the coal pits of Chesterfield County to the banks of the James River opposite Richmond, and in 1828 the Chesterfield Railroad Company was incorporated. In South Carolina was begun what Brown calls "the first road in the world built expressly for locomotives and also the pioneer in having the first locomotive for actual service in America built for their use; also the first to order a locomotive built in their midst and by one of their own native mechanics and citizens."\* In 1821 an article appeared in a South Carolina newspaper signed "H" suggesting the construction of a patent railroad from Charleston to Augusta and Columbia to be operated by steam. The article describes the railway track and then suggests that the construction of such a road would be a paying proposition, since there was "sufficient transportation to make the work valuable." Jervey claims the authorship of this article for Robert Y. Hayne.† Though a bill was introduced in the North Carolina legisla-

ture late in December of 1821, providing for the survey of a route for a canal, nothing was done for six years, when a charter was granted to the South Carolina Railroad and construction work was begun.\* At first the chief motive power was the horse, and a prize of \$500 was offered for the best locomotive moved by horse power. Sails also were tested as a motive power. Shortly afterward an offer was made to build a steam locomotive to drag three times its weight at the rate of ten miles an hour. The company accepted the offer and the "Best Friend" was soon on the road drawing passenger and freight trains. In 1831 a second locomotive, the "West Point", was placed on the tracks.

While people were putting forth every effort to secure internal improvements at public expense, efforts were being made to induce the Federal Government to do its share toward opening cheap communication with the Far West. In speaking of the advantages to be derived by easier intercourse between the East and West by means of good roads and canals, Monroe, in his annual message of December 2, 1817, expressed the opinion that Congress had no power to appropriate money for such purposes but suggested the passage of an amendment to the constitution which would give Congress that right.†

\* *Ibid*, pp. 216-218.

† Richardson, *Messages and Papers*, vol. ii., p. 18; *Annals of Congress*, 15th Congress, 1st session, pp. 17-18; Benton, *Abridgment*, vol. vi., p. 6.

\* Brown, *History of the First Locomotives in America*, p. 151.

† Jervey, *Robert Y. Hayne and His Times*, pp. 120-124.

An amendment was therefore proposed in the Senate on December 9 by Barbour, of Virginia,\* and in the House a few days later and before a fortnight had passed, a report was made in which Monroe's petitions were answered.† Two resolutions were also adopted, the first of which asked the Secretary of War for a plan of constructing roads and canals for military purposes in time of war. The other requested a similar report from the Secretary of the Treasury on roads and canals for purposes other than military.‡ On January 7, 1819, Calhoun submitted a report on roads and canals,|| but two years passed before the subject of a National system of internal improvements was again brought before the House. By that time the Erie Canal was well under way and the people began to demand State aid in constructing roads and canals. The House again took up the matter and a bill was presented recommending that a line of canals be constructed from Boston to Savannah, a highway from Washington to New Orleans, a canal around the falls of the Ohio at Louisville, another to connect Lake Erie with the Ohio, a third from the Potomac at Washington to the Potomac at Cumberland, and a good means of communication between the Susquehanna and the Seneca and Gen-

esee Rivers, and between the Tennessee and Savannah and the Tombigbee and the Alabama.\* But it would have been idle to have passed such a bill, for the President on May 4, 1822, had vetoed a bill of a far less radical nature, at the time expressing his views at length on the subject of internal improvements.† All that could be obtained was an act (approved April 30, 1824) appropriating money for surveys, plans, and estimates for whatever roads and canals the President might deem important from a commercial and military point of view or necessary to transmit public mails. On March 3, 1825, in the last hours of Monroe's administration, another bill was passed extending the Cumberland road from Canton to Zanesville, and providing for a survey for a further extension to the capital of Missouri.‡

While the West was being populated and the people were pushing the work of internal improvements, other social movements, of quite as much consequence to the people as a whole, were taking place in the East.|| While the

\* For the debates see *Annals of Congress*, 16th Congress, 2d session (Senate), pp. 144-146, 152-156, 179-180, 183, 189; (House), p. 451.

† Richardson, *Messages and Papers*, vol. ii., pp. 144-183; *Annals of Congress*, 17th Congress, 1st session, pp. 1809-1863. See also Adams, *Lives of Madison and Monroe*, pp. 353-424; Nelson, *Presidential Influence on Internal Improvements*, in *Iowa Journal of History and Politics*, vol. iv., pp. 29-30.

‡ McMaster, vol. v., p. 150. See also Young, *The Cumberland Road*, chap. vii.; Hulbert, *Historic Highways*, vol. x.

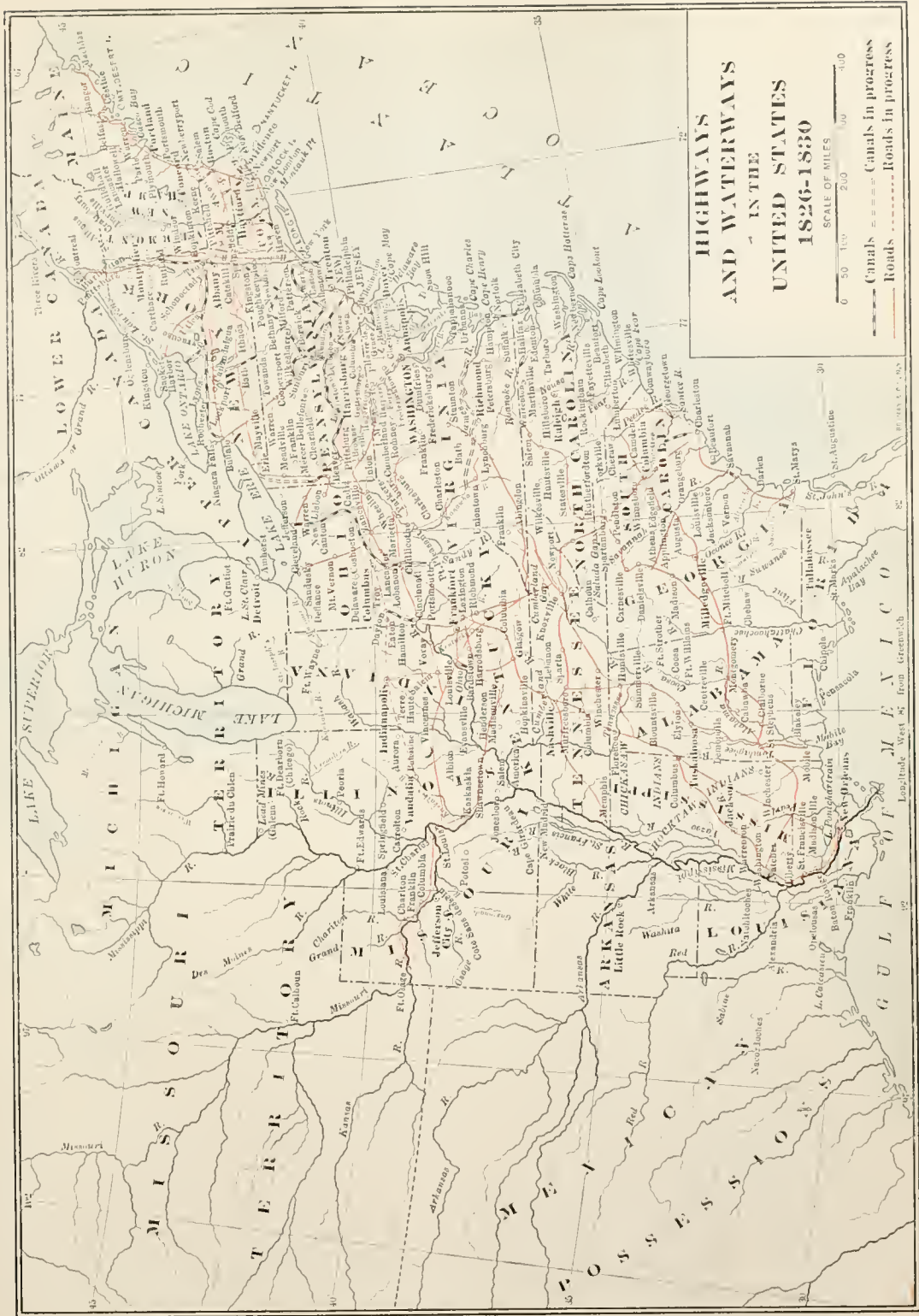
|| To Professor McMaster's great work on the *History of the People of the United States* (vol.

\* *Annals*, pp. 21-24.

† *House Doe*, 11, vol. ii., 15th Congress, 1st session.

‡ *Annals*, pp. 1649-1650, 1678-1679.

|| For text see *Annals*, 15th Congress, 2d session, pp. 2443-2454.



**HIGHWAYS  
AND WATERWAYS  
IN THE  
UNITED STATES  
1826-1830**

SCALE OF MILES  
0 50 100 200 400

Canals in progress  
Roads in progress

Longitude West 85 from Greenwich





population in the seaport States and cities had grown slowly, the pauper and petty criminal classes had increased with alarming rapidity; but not before 1816, when hard times produced widespread distress, did the people begin to seek the causes. To intemperance and an ill-regulated and ill-advised charity was attributed much of the poverty and crime, and immediately an attack was begun on each. The Philadelphia Committee of Superintendence reported that a radical change in the methods of relieving distress by charity was imperative. The benevolent associations had tended to create a dependent pauper class within the city by inducing every vagabond in the neighboring counties of the State to come into and live on the city. The committee recommended that the system of granting relief be improved, that orphans be more judiciously cared for, that indigent children be educated at the country's expense, that the law against dram shops and tippling houses be rigidly enforced, and that the use of liquor be discouraged. As a result of this report the Pennsylvania Society for the Promotion of Public Economy was founded, which undertook to see that schools should be established throughout the State in such a manner "that the poor may be taught gratis." This society laid a plan before the legis-

lature, which finally resulted in the act of March 3, 1818, by which the city and county of Philadelphia became the first school district of Pennsylvania and public schools were established.

Similar action was taken in New York where the destitution and want were far beyond the means of benevolent societies to relieve.\* A committee, appointed at a public meeting, reached the conclusion that the chief cause for such conditions was the sale of rum. As early as 1809 it was stated that there were 1,800 licensed dram shops in the city in which money sufficient to supply the entire population of the city with bread was spent every year. In 1817 the Society for the Prevention of Pauperism in the City of New York was founded, and immediately set about the task of ascertaining the actual conditions and studying the methods by which they could be remedied. Drunkenness was said to be the chief cause of the poverty, while other contributing causes were the lotteries, pawn brokers, and the various charitable institutions existing in the city. In order to check these evils the society suggested that the grog shops be closed, that street begging be prohibited, that houses of industry be es-

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iv., chap. xxxvii.) we are indebted almost entirely for the following information. In this connection see also Frederick H. Wines, *Punishment and Reform: An Historical Sketch of the Penitentiary System*.

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\* On May 1, 1815, a census of the humane and criminal institutions of the city was taken by the attending minister John Stanford, and revealed the following numbers in these institutions: orphan asylum, 101; Magdalen House, 3; city alms-house, 1,050; city hospital, 219; United States Military Hospital, 55; debtors' prison (committed yearly), 1,400; Bridewell, 131; State prison, 556. See *Niles' Register*, vol. viii., p. 451.

tablished, that the poor be encouraged to invest their money in savings banks, benefit societies, and life insurance, and that more churches and Sunday schools be established throughout the city. Through the perseverance of the manager of this society, a Saving Fuel Fund Society was founded; a savings bank (the first in New York and the third in the United States) was established; and the city enacted new resolutions for pawn brokers and lottery offices.

Public interest in the moral reformation was kept alive by the fact that the times grew worse instead of better, and every succeeding winter the wealthy classes were called upon more and more to relieve destitution. One of the first indications of a kindlier spirit was the enactment of laws to lighten the burden of the debtor class, particularly the laws relating to imprisonment. For many years it had been possible to thrust into jail a debtor of either sex for the non-payment of debts.\* In Pennsyl-

vania there was an old law by which magistrates were allowed cognizance without appeal of debts under 40 shillings or \$5.30, above which amount the debtor was entitled by law to a stay of execution. All who owed smaller amounts, if unable to pay, were dragged to prison where, though their crime consisted merely in inability to pay a trifling debt, they were thrust in with all manner of criminals — murderers, thieves, forgers, and others of similar caste. Unlike these classes, however, they were not even maintained by the States, being compelled to secure food, clothes, bedding, etc., from friends or some humane society. By an act of April 4, 1792, this last condition was relieved, the law directing the inspector to provide fuel and blankets for such debtors as were too poor to procure them, and to allot 7 cents a day for food, which sum should be charged against the creditors. If any creditor should refuse to pay after ten days' notice, his debtor was to be discharged. This act continued in force until March 26, 1814, when a law called the "Bread Act" was passed, by the terms of which prisoners whose debts did not exceed \$15 were to be discharged after having suffered imprisonment for 30

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\* In his message of June 4, 1818, to the New Hampshire legislature Governor William Plumer said: "Even in New Hampshire, in the early stages of our new government, the debtor was strictly confined within the walls of the prison. The laws at that time afforded him no relief; he was imprisoned for life, unless he paid the debt, or was liberated by the humanity of his creditor. A long period elapsed before a prison yard was established, in which the debtor, by giving bond, was permitted to breathe the common air without the limits of the prison house; or before indigent debtors were authorized, in any case, to make oath they were unable to pay their debts; even then an unfeeling creditor had authority to retain his debtor during life, by paying a small sum for his weekly support. To the honor of

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the State, this power of the creditor over his debtor, has been recently annulled, \* \* \* [but] our laws still authorize the creditor, after taking the greatest part of the debtor's property, to deprive him of his liberty by confining him in prison, without affording the means of subsistence; and if poor and friendless, he will be unable to obtain the liberty of the prison yard." —*Niles' Register*, vol. xiv., pp. 290-291.



days. Those who were too destitute to procure food for themselves were allowed 20 cents, which the creditor was to pay every Monday morning; but should the creditor fail to pay it for three days, the debtor might apply for his release. In 1817 the New York legislature passed an act forbidding the imprisonment of debtors for sums less than \$25. In 1818 and 1819 New Hampshire placed the limit at \$13.33, and in 1819 Vermont at \$15. Pennsylvania and Kentucky did not go quite so far, though the laws of each State were amended and women were exempt, the Pennsylvania law being passed on February 8, 1819, and that of Kentucky on February 4, 1820. Several of the new Western States, in framing their constitutions, provided that no citizen be imprisoned for debt unless he refused to surrender his estate.

Little had been done, however, to suppress pauperism or to diminish its great cause, intemperance. Conditions went from bad to worse; the almshouses and work-houses became still more crowded, and in the large cities the children of the destitute became so numerous as to threaten the peace of the community. Matters were finally brought to a climax in Philadelphia by the hard winter of 1820-21. The resources of the various charitable societies were taxed to the limit; contributions of charitable individuals did not seem to relieve the conditions, and at public meetings committees were appointed to systematize the relief work.

Much relief was thus afforded to deserving destitutes, but little was done to care for the criminals and habitual paupers. A committee appointed at a public meeting reported on August 6, 1821, that, instead of punishing crimes when committed, the sources of crime should be destroyed. Among these sources were the tippling houses, where idleness, fraud, and vice were encouraged and men were tempted to waste their earnings; the oyster cellars, where liquor was sold without license and young boys were wont to congregate to drink, smoke, swear, etc.; the second-hand shops, the proprietors of which bought at a very low price and without question anything brought to them, and thus became the market for the purchase and sale of stolen articles. These "fences" gave a great incentive to pilfering and petty thefts. Another source of crime was the neglected education of the youth, for, instead of attending school, the boys were wont to infest the streets, halls, vacant lots, etc., where, to say the least, their morals could not be improved. As a remedy the committee suggested a stricter enforcement of the laws and the establishment of an asylum where the boys could learn the mechanical arts. The advice of the committee was approved by the meeting and a law drafted for submission to the next legislature. But this did not relieve the conditions of the prison which were fast becoming unbearable, house breaking, assaults on citizens, etc.,

being of almost daily and nightly occurrence. Committees were therefore appointed in each ward to arouse the people to take vigorous measures for suppressing these depredations, and, as the majority of this class of criminals was believed to be negroes, the members of the African Methodist Episcopal Church pledged themselves to aid the mayor in his efforts to suppress vice.

Probably the most barbarous criminal code and the vilest prisons in the country were in the District of Columbia, where on the Virginia side thirty crimes were punishable with death and on the Maryland side fourteen. The death penalty could be inflicted on a white man who broke into a storehouse, warehouse or tobacco house and stole to the value of five shillings, or who escaped from jail when confined under a charge of felony. It was mandatory that a slave who maliciously burned a house of any description should be hanged, and when dead, have his head cut off, his body quartered, and the fragments displayed in the most public places in the District. The jail was as bad as the code, for in its sixteen rooms (not one of which was more than 8 feet square) were confined at times 70 prisoners and often 80, guilty and innocent, old and young, alike.

It was believed also that the penitentiary systems of the various States should be reformed. Up to the time of the revision, sixteen kinds of crime were punishable by death in Pennsyl-

vania, but in 1786, 1790, and 1794 the code had been changed so that only treason and murder were punishable with death. In Rhode Island forgers were still compelled to sit in a pillory, to have a piece of each ear cut off, to be branded with the letter "C," to be imprisoned for six years and fined. Perjurers were cropped, branded and pilloried for three hours. Bigamists were placed on the gallows with a rope around their necks, fined and imprisoned. Those convicted of arson were pilloried, cropped of both ears, and branded with the letter "B." Delaware still retained the pillory, the flogging-post, and sold her criminals for various terms of years. Louisiana had abolished the death penalty. New York followed Pennsylvania in abolishing crimes punishable with death, and on March 26, 1796, a law was passed by which a criminal could be put to death for two crimes only. Four years later Virginia revised her criminal code, to be followed by Massachusetts in 1804, Vermont in 1808, Maryland in 1811, New Hampshire in 1812, and Ohio in 1816.

By this time the rise of new industries and the expansion of the old had made a great change in the condition of the working classes. The increase of industries had multiplied the number of working men and women, and the growth of this class brought up questions of reform. The laborer's hours were long and he was not always paid with any regularity, but often at long intervals and frequently in bad

money. In many States he was still disfranchised and could be punished for conspiracy, under the common law of England, if he sought to better his condition or increase his pay by strikes, lockouts, or other united efforts. Nevertheless after 1825 various crafts began to form social unions in all the seaboard cities and manufacturing centres north of Baltimore. The women weavers and cotton operatives in New England led the way. They were followed by the machinists of Philadelphia and the ship carpenters and caulkers of New York. By 1828 the labor movement had assumed such proportions that an attempt was made to secure the passage by the New York legislature of a mechanics' lien law, a report being presented strongly favoring such a measure. The Philadelphia workingmen turned to politics to gain their ends and formed a labor party, but for a long time their efforts were barren of results.

About this time a body of reformers known as the Free Enquirers took up the cause of the working-man, the movement having its inception in 1825 at the little town of New Harmony, Indiana. The originator of the movement was Robert Owen, a native of Wales, who at an early age had become proprietor of some cotton mills in Scotland. Owen's mind seems to have been full of schemes, particularly the coöperative community system, for the social betterment of the laboring classes. This plan attracted the attention of an agent for the sale of a

village built in the West by a religious sect. The founder of this sect was George Rapp, who in 1804 had emigrated from Germany with his son and a few friends and settled on a tract of land in Butler County, Pennsylvania, 25 miles north of Pittsburg. In 1805, 700 Rappites built the village of Harmony on this tract. All the property was put into a common fund and it was agreed that each should labor for the entire community. They cleared hundreds of acres of land, erected frame and brick dwellings, barns, and warehouses, laid out a vineyard, built grist, sawing, corn, oil, and hemp mills, a tannery, brewery, distillery, dye-house, potash, soap boilers, and candle works, etc. They erected also a large factory for the manufacture of broadcloth from the wool of merino sheep raised by them.\* The site of the village proved to be ill-chosen and a new home was sought in the West. In 1814, therefore, they sold their lands and improvements for \$100,000 and in 1815 migrated and built a second town of Harmony in the valley of the Wabash, 54 miles below Vincennes, Indiana.† Again the site of the town proved unsatisfactory and in 1824 the people became so disheartened that they offered a prize of \$5,000 to anyone who should find a purchaser for their property. Owen was finally induced to buy the mills,

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\* Bishop, *History of Manufactures*, vol. ii., pp. 105, 142, 194.

† *Ibid.* See also Sparks, *Expansion of the American People*, pp. 382-384; *Niles' Register*, vol. ix., p. 152 and vol. xiii., pp. 20-21.



houses, and factories and 30,000 acres of land for \$150,000.\* In December of 1824 Owen came to the United States and prepared to found the first Owenite community. To advertise his views and his schemes, he secured the use of the chamber of the House of Representatives at Washington, and in February and March of 1825 delivered several addresses. He then went to New Harmony, where in April of 1825 he unfolded to the people of that village his plan for a coöperative community. In order to fit the people for coöperation he proposed that a Preliminary Society of New Harmony be formed, that a constitution be adopted to continue in force for three years, and that a preliminary committee be appointed to manage the affairs of the community. After seeing the Preliminary Society established Owen went back to Scotland and did not return to New Harmony until January of 1826. The conditions he found were amazing, for the entire community seems to have abandoned labor and to have devoted themselves to idleness and revelry. Accordingly the Preliminary Society was abolished and in its place was formed the New Harmony Community of Equality. Under Owen's management idleness and waste soon gave place to industry and thrift; idle talkers were no longer

seen in the streets; all were busy at some chosen occupation and many men of marked ability were attracted to the Community. A new constitution was adopted and the daily pursuits divided into several departments — agriculture, manufacture, and mechanics; commerce; general economy; domestic economy; and literature, science and education. These reforms had been cheerfully accepted by the people, but when Owen attempted to enforce uniformity of dress the people rebelled. Owen did not swerve from his purpose and on July 4, 1826, made a "Declaration of Mental Independence" which inveighed against private ownership of property, denounced the prevailing religions as absurd and irrational and practically advocated the abolishment of the legal marriage ceremony. This proved too much, and he was roundly denounced from one end of the country to the other. Newspaper after newspaper attacked him and ultimately caused the ruin of the Community. Discord took the place of harmony and before six months had elapsed Owen began to sell property to individuals, shops began to open, fences were put up, and New Harmony became a village of the unregenerate sort. Discouraged by the wreck of his scheme, Owen soon left his followers to their fate and departed.\*

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\* McMaster, vol. v., pp. 88-90. Bishop (*History of Manufactures*, vol. ii., p. 204) says \$190,000. See also *The Interesting Note about Early New Harmony*, George Rapp's Reform Society based on the New Testament, as he understood it, by J. Schneck and R. Owen (1880).

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\* See Jones, *Life and Times and Labor of Robert Owen* (1890); Holyoke, *Life and Last Days of Robert Owen* (1871); J. H. Noyes, *History of American Socialism* (1870); W. L. Sargent, *Robert Owen and His Social Philosophy*.

Other communities of a similar nature sprang up on the frontier. The Yellow Spring Community was founded in Ohio, while others were started at Blue Springs and Forrestville, Indiana; at Pittsburg and Valley Forge, Pennsylvania; at Kendal near Canton, Ohio; at Cossackie and Haverstraw, New York; and at Nashoba, Tennessee, the last of which was probably the most interesting.\* This community was founded by Frances Wright, who, horrified at the system of slavery existing in the United States, attempted to apply Owen's social system to the slave system. She visited the Rappites, studied the Shaker system, lived at New Harmony with the Owenites, and in 1825 prepared to put her schemes into operation. She purchased a tract of 2,400 acres of land on the Wolf River, 13 miles from Memphis, and there planted the town of Nashoba. Money was freely expended in the enterprise, but Nashoba shared the fate of New Harmony, and in 1829 Miss Wright took her negroes to Hayti.† Miss Wright then joined Robert Dale Owen at New Harmony in editing the *Nashoba and New Harmony Gazette*, but in 1829 the *New Harmony Gazette* was moved to New York and issued as the *Free Enquirer*. It was to be a non-partisan and non-sectarian weekly newspaper, claiming to be interested

in the working-men's efforts to better their lot.

Hardly had the paper been established in New York when the working-men were summoned to meet and organize in the defence of their rights. An "Association for the Protection of Industry and for the Promotion of National Education" was formed, and every member pledged himself to support no one at the polls who would not support the people's cause in the legislature. All classes of working people hastened to give the movement support, and in October of 1829 the *Working-man's Advocate* made its first appearance.\* This paper advocated a system of education free to all, opposed banks in general and the Bank of the United States in particular, opposed imprisonment for debt, the ownership of land in large quantities by private individuals, and favored a lien law. These efforts aroused the working-men to support the labor ticket recently nominated. It was the custom to vote on three consecutive days. At the close of the first day it appeared likely that the labor ticket would be elected, and on the next two days the other parties made a strenuous effort to overturn the apparent majority against them. The "Friends of Good Order" rallied and but one candidate on the mechanic's ticket, Ebenezer Ford, was

\* Sparks, *Expansion of the American People*, p. 391.

† McMaster, vol. v., pp. 96-98. See also the *Atlantic Monthly* (July, 1874).

\* McMaster, vol. v., p. 100, gives this date, but Wright (*Industrial Evolution of the United States*, p. 236) says the paper appeared as early as 1825.

elected.\* The community became alarmed at the great vote cast for Ford and an attempt was made to unseat him in the legislature, on the plea that he proposed to turn the State into an Owenite community, to abolish marriage, confiscate land, strike down religion, etc. The mechanics, however, disavowed all connection with Owen, with Fanny Wright and the Free Enquirers; denied that they were hostile to the civil, moral, and religious institutions of the country; and declared against agrarian laws.

The New York Typographical Society, too, denounced Owen's scheme, repudiated his educational plans and denied all sympathy with his purposes. On the other hand, however, the Painters' Society said that much that Owen charged was true, and that they were disposed to favor his educational scheme. At Philadelphia the workingmen denied that they were disciples of Miss Wright and disclaimed all adherence to her principles.†

The rise of the labor party in Philadelphia was followed by similar movements in New York, Albany, Troy, Schenectady and Buffalo, and by the establishment of labor journals in various parts of the country. In Philadelphia was established the *Democratic Mechanics' Free Press*; in New York, the *Daily Sentinel* and the *American*; in Buffalo, the *Workingmen's Bulletin*; and in Albany, the

*Daily Freeman's Advocate*, and the *Farmers', Mechanics' and Workingmen's Champion*. Among other journals favorable to the labor cause and the reform movement were the *New York Telescope*, the *Rochester Spirit of the Age*, the *Spirit of the Age*, of Tuscaloosa, Alabama, the *Southern Free Press*, of Charleston, South Carolina, and the *Friend of Equal Rights*, of New York. At about the same time *Young America*, a journal devoted to labor, was started.\*

Several strikes occurred, notably those of the stone-cutters and stoneworkers at Sing Sing, and the journeymen cabinet workers at Boston, and of the shipwrights and caulkers at the same place. The labor movement was denounced by merchants and ship-owners, who claimed that combinations to regulate the hours or the price of labor were pernicious in the extreme, and likely to drive trade from the city. They determined neither to employ journeymen who belonged to such combinations, nor to give work to master mechanics who employed such journeymen. In the end the strikes failed.

On February 16, 1831, a convention was held at Boston, consisting of farmers, mechanics, and other workmen. Out of this came a delegate convention held at Boston on September 6, 1832. The delegates discussed land interests, taxation, and coöperative trading. Ten subjects were

\* McMaster, vol. v., pp. 101-102.

† *Ibid.*, pp. 102-104.

\* Wright, *Industrial Evolution of the United States*, p. 237.



considered: the organization of a central committee for each State; the founding of lyceums or institutes; the reform of the militia system; the expediency of holding a National convention of working-men; the hours of labor; the effect of banking institutions and other monopolies on the condition of the laboring classes; the improvement of the system of education, including the recommendation of such legislative enactments in relation to the internal economies of factories as would give to the operatives a competent degree of instruction; the adoption of a National bankruptcy law, the extension of the right of suffrage; and lien laws. Other meetings were held at Boston at which the mechanics of all trades were urged to consult together for the purpose of reaching a mutual agreement upon the system of working hours. Various meetings were held in other parts of the country to discuss the relation of employers to employes, the question of whether the 10 hour system was a benefit, etc., and especially as to whether the laboring classes had the right to organize for the purpose of securing and protecting their interests.\*

This agitation led the employers to consider the matter from their point of view. At a meeting in the Exchange Coffee Rooms, Boston, on May 15, 1832, the merchants and ship-own-

ers resolved to "discountenance and check the unlawful combination formed to control the freedom of individuals as to the hours of labor and to thwart and embarrass those by whom they are employed and liberally paid." They also set forth "the pernicious and demoralizing tendency of these combinations, and the unreasonableness of the attempt, in particular where mechanics are held in so high estimation and their skill and labor so liberally rewarded." Claiming that labor organizations would drive trade from the city, it was further resolved that: "We will neither employ any journeyman who at the time belongs to such combinations, nor will we give work to any master mechanic who shall employ them while they continue thus pledged to each other and refuse to work the hours which it has been and is now customary for mechanics to work." The resolutions were signed by the representatives of 106 firms.\*

The votes of the workers were now too important to be treated lightly by the three parties then struggling for control in the city and State. In the spring of 1830 the working-men united on a ticket in Albany and carried four wards out of five. They were equally successful in Troy, where it was boasted that not one Regency man had been elected. For this the Republicans ridiculed them as "Workeys"

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\* Wright, *Industrial Evolution of the United States*, pp. 237-238.

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\* Wright, *Industrial Evolution of the United States*, pp. 239-240.

as "Federalists," and as men bent on the destruction of society. In the autumn, in preparing for the election of State officials, the working-men held a convention at Salina and nominated Erastus Root and Nathaniel Pitcher as working-men's candidates for governor and lieutenant-governor, but neither accepted the nomination. In September a meeting was held in New York for all those who favored a republican system of education, who approved of abolishing imprisonment for debt, who believed in protecting industries, and were opposed to the Auction system, Regency dictation, and Tammany management. The ticket nominated at this convention was named the North American Clay Workingmen's ticket. Francis Granger, the Anti-Masonic candidate for governor was endorsed by this convention in return for which the Anti-Masons a short time afterward formally approved the municipal part of the North American Working-men's Clay ticket. From this union of what in derision was called "Clayism", "Anti-Masonry", and "Workeyism," the followers of Fanny Wright and those of Skidmore were excluded. The Wright followers (the Infidel Party, as others called them; the Liberal Working-men's Party, as they called themselves) nominated Ezekiel Williams for governor, and the Skidmore or Agrarian Working-men (the

Poor Man's Party) nominated James Burke. At the election Burke received 115 votes, Williams 2,000, and the Working-men and Anti-Masons nearly 8,000.\*

Probably the most remarkable of political parties that attained prominence in our country was the Anti-Masonic. This party gained its chief prominence because of the mysterious disappearance of William Morgan, a stone mason of Batavia, who professed to be a Royal Arch Mason. Because his name had been omitted from a petition for the establishment of a Masonic chapter at Batavia, Morgan was deeply offended and evidently determined to revenge himself on the whole fraternity. In the spring of 1826 it was reported that he had written a book revealing the secrets of Free Masonry, and that David C. Miller, editor of the *Batavia Republican Advocate* had agreed to publish it. The most respectable part of the community regarded the forthcoming book as a catch-penny scheme, but a few hotheads among the Masons determined that the book should never appear. Miller's office was set afire in an effort to destroy the manuscript, but failing in this, attempts were made to place Morgan where he could not carry out his design. He owed some small debts to various merchants, and suit was brought against him for pay-

\* McMaster, vol. v., pp. 106-108.

ment; he was arrested and bail was either refused or disregarded; and finally, on August 11, he was taken to Canandaigua (50 miles away) on a charge of theft, was released but immediately re-arrested for debt. Friends satisfied his creditor, but hardly had Morgan stepped outside the door of the jail when he was seized and taken in a carriage to Rochester, thence along the Ridge road toward Lewiston, and then by way of Youngstown to Fort Niagara, in the stone magazine of which he is said to have been confined on the morning of September 17, 1826. There all trace of him disappears.

The excitement, increased by the belief that prominent Masons obstructed investigation, was fanned into flame by the appearance a few weeks later of the first part of Morgan's book, the other parts later being published under the title of *Illustrations of Free Masonry, by one of the Fraternity who has devoted Thirty Years to the Subject*. Along with a mass of dreary "ritual" for "working the degrees," of no moment, even if true, it included some passages which, if true, would have obligated a man to make them known at once on entering the fraternity: such as an oath requiring Masons to consider their duty to the brother Mason before their oaths in court, pronouncing vengeance on Masons who should reveal the secrets of the order, etc.

Meanwhile Miller, who had witnessed Morgan's arrest, protested vigorously against the outrage and for this it was determined to quiet him. A mob of 60 men procured an order for his arrest and dispatched a constable with a process to arrest him. He was placed in a wagon by his captors and taken to LeRoy, but there Miller succeeded in forcing his captors to bring him before the justice who had issued the warrant, and as no complainants appeared Miller was discharged. Thoroughly indignant, he published a long account of his treatment and of the abduction and probable murder of Morgan and appealed to the public to vindicate the majesty of the law. A series of public meetings was held at which a committee was appointed to gather information, and the governor later offered a reward of \$300 for the discovery of the offenders. The only result when the November session of the court of general sessions convened was the finding of indictments against four men who were later tried, found guilty, and sentenced to various terms of imprisonment.

In the meantime the Niagara River and the shores of Lake Ontario were dredged without result, until one day in October of 1826 a corpse was discovered on the shore of the lake about 40 miles from Fort Niagara. The coroner held his inquest, but the body was not recognizable and was imme-



diately buried on the beach. Such an event would have aroused no attention in ordinary times, but hardly had the occurrence been published than it was suspected that the dead man was Morgan. The grave was then opened and revealed what seemed a strange resemblance to Morgan. A new jury was thereupon assembled by the coroner, consisting of Mrs. Morgan and a number of men who knew her husband, and a verdict was rendered that the body was that of Morgan. The account of these proceedings soon reached Canada and was read by the friends of Timothy Monro, who had been drowned shortly before in the Niagara River but had never been found. The description of the clothing and especially of a bundle of tracts in the pockets convinced these people that the body was that of Monro and not of Morgan. They persuaded the coroner to hold a third inquest and presented evidence, and when the third verdict was obtained, the unknown dead was declared to have been Timothy Monro.\* Morgan's fate therefore was still as impenetrable a mystery as before.

Meanwhile Morgan's book on Masonry had been published and also a *Narrative of the facts and circumstances relating to the kidnapping and presumed murder of William Morgan*. It had also become popular to denounce Free Masonry, and many mem-

bers began to secede from the fraternity. So great was the defection that a convention of seceding Masons was held at LeRoy in February of 1828 and another shortly afterward at which charges were formulated against the Masons. The effect of these charges was great, for the public gradually became convinced that they were true—that Masonry already exercised a wonderful influence over the press, that it controlled the courts of justice and was able to force its mandates at will. The Anti-Masons held a convention at Utica in August and, satisfied that they would receive no help from the friends of either Adams or Jackson to destroy Masonry, disregarded both parties and nominated candidates of their own: Francis Granger for governor and John Crary for lieutenant-governor; but Granger had already been nominated for lieutenant-governor by the Adams party and he therefore declined the Anti-Masonic nomination. At a second convention of the Anti-Masons at Le Roy, therefore, Solomon Southwick was chosen in his stead. At this time William H. Seward, Millard Fillmore, and Thurlow Weed came forward as Anti-Masonic candidates, and during the course of the election Weed is credited with the cynical statement (when questioned as to the authenticity of the body later identified as Monro's) that it was "a good enough Morgan till after elec-

\* *Niles' Register*, vol. xxxiii., pp. 161-162.

tion." The Anti-Masonic ticket polled 33,345 votes out of 276,583. Later the movement spread until the Anti-Masonic party absorbed the National Republican party in the State and became the chief anti-Democratic organization. The whole New Eng-

land belt, from Boston to Buffalo, teemed with Anti-Masonic newspapers, there being 32 in New York State alone, and for several years to come the new political party continued to complicate the political situation from New England to the Ohio.\*

## CHAPTER XXXIX.

1825-1829.

### JACKSON'S TRIUMPH.

Indignation at Jackson's defeat in 1825 — Kremer's letter reaffirming the charges against Clay — Jackson's letter to Swartwout — Clay's denial of the charges — Jackson's acceptance of the nomination — Attacks on Adams — Randolph's remarks and the resulting duel with Clay — McDuffie's speech — The deaths of Jefferson and John Adams — The Carter Beverly letters and Buchanan's denial — Clay's address to the people — Endorsement of candidates — Election of Jackson.

When Jackson was defeated for the presidency in the House of Representatives in 1825 outbursts of indignation came from all parts of the country, and it was claimed that Adams had seened the election by fraud and corruption. It was said that it was not Jackson who had been defeated, but that the sovereign will of the people had been set at defiance.\* The first magistrate had been chosen against the known, express and solemn choice of at least 17 of the 24 States, and, worse than all, by the votes of six States given by their representatives directly against the instructions of their constituents. In a letter to the electors of his district, dated February 25, 1825, Kremer said:

"Recurring to the specific charges in my letter have I not redeemed my pledges and made them

good? I stated that 'Henry Clay had transferred his interests to John Quincy Adams.' Has not time disclosed the reality? Can any human being acquainted with the circumstances doubt

\* For a history of the Morgan affair see Greene, *The Broken Seal or The Morgan Abduction and Murder* (1870); Morris, *History of the Morgan Affair* (1852); O'Reilly, *American Political Anti-Masonry; A Narrative of the Facts relating to the Kidnapping and Presumed Murder of William Morgan and of the Attempt to Carry Off David C. Miller, and to Burn or Destroy the Printing Office of the latter.* \* \* \* Prepared under the Direction of the Citizens of Genesee, New York. To which is added the Late Trials at Canandaigua (1827); John Riggs Craudall, *The Morgan Episode. From the Original Manuscript Published by the Committee on Antiquities of the Grand Lodge of the F. & A. M. of the State of New York* (1907); William Morgan, *Illustrations of Masonry, by One of the Fraternity who has Devoted Thirty Years to the Subject* (2d ed., with an account of the kidnapping of the author); Robert Morris, *William Morgan, or Political Anti-Masonry, its Use, Growth and Decadence* (1883); the report of the special counsel on January 26, 1830, in *Niles' Register*, vol. xxxviii., pp. 89-93. For political results see Hammond, *Political History of New York*; Hopkins, *Political Parties* (1900); McCarthy, *Anti-Masonic Party*, in *Annual Report of the American Historical Association* for 1902, vol. i.

\* Sumner, *Life of Jackson*, p. 96 et seq.

that it was by the agency of Mr. Clay, and by that alone, that the members of five western states were induced, contrary to the wishes of their constituents, to vote for Mr. Adams? There is no part of the Union where the people maintain the right to instruct their representatives, even in matters of legislation, with more jealous inflexibility than in the western states. \* \* \* Can it be believed, then, that some twenty or thirty of the representatives of such a people would have thought for one moment of voting for Mr. Adams, who was known to be odious to them, and against Jackson, who was known to be their decided choice, if it had not been for the influence of Henry Clay? The thing is incredible. No, fellow-citizens: Mr. Clay has to answer for the double sin of defeating the will of his constituents and of sacrificing his friends at the shrine of his own unchastened ambition. \* \* \*

"I also stated 'that, as a consideration for this abandonment of duty to his constituents, it was said and believed, should this unholy coalition prevail, Mr. Clay was to be appointed secretary of state.' This, time has verified, to the very letter. He has been offered the appointment of secretary of state, and has agreed to accept it. It would, therefore, now be regarded as affected squeamishness in me were I to say, 'it is believed' that the appointment of secretary of state is the consideration given for the support rendered by Mr. Clay to Mr. Adams. I entertain no doubt upon the subject."\*

The address appealed to the voters not to sanction Clay's denunciation of General Jackson as a military chieftain. This epithet had greatly offended Jackson, and on February 22, 1825, he wrote a letter to Samuel Swartwout concerning it.† He said that while he had borne his share in the country's wars, had protected the frontier from savages, had endured privations and made sacrifices for the honor, glory and safety of the country

— still he was not a military chieftain in the sense Clay applied that term to him. He had never sought the office of President nor had he entered into any cabals to persuade anyone to violate pledges given or instructions received, nor had he formulated any plan to impair the principles of our republican institutions or to defeat the people's will.\* Kremer's address and Jackson's letter were made public simultaneously and (Clay believed) for the purpose of influencing the Senate against confirming his nomination as Secretary of State. As the Senate had acted favorably, Clay on March 26, 1825, issued a long address to his constituents in which he said:

"I entered into no cabals; I held no secret conclaves; I enticed no man to violate pledges given or instructions received; and how I prostrated the will of the people I am entirely at loss to comprehend. The illusions of the General's imagination deceive him. The people of the United States never decided the election in his favor. If the people had willed his election he would have been elected. It was because they did not will his election nor that of any other candidate that the duty of making a choice devolved on the House of Representatives."†

Nevertheless, Jackson believed he was entitled to the election and thenceforth seized every opportunity publicly to express his opinion.‡ After the election he went home to Tennessee and was everywhere received with

\* *Niles' Register*, vol. xxviii., pp. 21-25. See also his letters in Parton, *Life of Jackson*, vol. iii., p. 72 *et seq.*

† Parton, *Life of Jackson*, vol. iii., pp. 75-78.

\* *Niles' Register*, vol. xxviii., pp. 20-21; Brady, *The True Andrew Jackson*, p. 290 *et seq.*

† *Niles' Register*, vol. xxviii., pp. 71-78. See also Quincy, *Memoir of John Quincy Adams*, pp. 143-144; Colton's ed. of *Clay's Works*, vol. iv., p. 109.

‡ Parton, *Life of Jackson*, vol. iii., p. 107 *et seq.*



demonstrations of delight.\* He declared that he had never of his volition been a candidate for the Presidency, but had been nominated by the legislature of Tennessee; that the Government belonged to the people; that it must be kept pure; and that the Presidency was sullied when it was attained otherwise than through the people's will.† Clay, too, had journeyed southward and was received with public demonstrations and assurances of approval.‡

When the Tennessee legislature met in October of 1825, that body renominated Jackson for the Presidency and invited him to address the two Houses. Having made the address, Jackson resigned his seat in the Senate chiefly because a proposition to amend the Constitution was then pending before Congress to change the manner of electing the President.¶ Therefore, as he was a candidate, he could not return to the Senate and advocate an amendment from which it was supposed he would derive much advantage. He heartily approved the proposed amendment as far as it went, but thought it should go farther. He would not only leave the choice of Presidential electors with the people, but would make members of Congress ineligible to any governmental office

during the term for which they had been elected and for two years after, save only in cases of judicial appointments.\* This was evidently a shaft at Clay,† who was appointed Secretary of State immediately upon Adams's accession.

The active campaign was opened by starting a newspaper in Washington,‡ and organizing committees throughout the country. All who for any reason disliked Adams or Clay were invited to join the "friends of General Jackson."¶ Immediately upon the announcement of Jackson's candidacy his followers began to scrutinize every act of the President or his advisers for campaign purposes. Thus when Adams dwelt at great length on the importance of internal improvements and stated the course they should take, it was demanded that a committee be appointed to frame such an amendment to the Constitution as would define the powers of Congress over internal improvements, and so restrict them as to protect the rights and sovereignty of the States. Again, when Adams, at the time of the Panama Congress, stated that he intended to appoint ministers, a resolution was in-

\* *Niles' Register*, vol. xxix., pp. 156-157; Parton, *Life of Jackson*, vol. iii., p. 95; MacDonald, *Jacksonian Democracy*, p. 55.

† Schurz, *Life of Clay*, vol. i., pp. 263-264.

‡ The *United States Telegraph*, edited by Duff Green, of Missouri. See MacDonald, *Jacksonian Democracy*, p. 37.

¶ Sumner, *Life of Jackson*, pp. 103-104. For the details of Jackson's political organization, see Buell, *History of Andrew Jackson*, vol. ii., p. 181 et seq.

\* Parton, *Life of Jackson*, vol. iii., p. 80.

† McMaster, vol. v., pp. 495-496; Schurz, *Life of Clay*, vol. i., p. 255.

‡ Schurz, *Life of Clay*, vol. i., p. 262.

¶ *Niles' Register*, vol. xxix., pp. 155-156; Schouler, *United States*, vol. iii., p. 413; Parton, *Life of Jackson*, vol. iii., p. 94 et seq.

troduced in the Senate stating that the President had no authority to appoint ministers until he had consulted the Senate and that such action was an usurpation of power. In making this motion Senator John Branch, of North Carolina, on March 30, 1826, said that this usurpation of power was sufficient to alarm the friends of liberty, but when connected with

"The covert and insidious innovations which gave existence to and characterizes the conduct of the present Chief Magistrate, every friend of the country should be at his post. \* \* \* I will not say that he came into office in violation of the letter of the Constitution. \* \* \* He came into office in objection to three-fourths of the American people, in opposition to seventeen or eighteen States out of the twenty-four. He came in by the prostration of our dearest principles: He came in by a total disregard of the right of instruction, the basis of a republic. He came in, sir, in opposition, not only to the sovereign will of the people, but he overcame the most formidable of all difficulties: He came in in opposition to the will of the representatives too. \* \* \* And what, Mr. President, is the policy of the present Administration? The original debt of gratitude is to be paid at all hazards; the one-fourth is to become the majority, if the creation of offices and the patronage of the government can effect it. Yes sir, the first appointment made by the present President is conclusive on this point, and his subsequent course is in entire accordance."\*

In speaking on this resolution the same day, John Randolph said:

"This is the first Administration that has openly run the principle of patronage against that of patriotism—that has unblushingly avowed, aye, and executed its purpose of buying us up with our own money. Sir, there is honor among thieves—shall it be wanting then among the chief captains of our Administration? I hope not, sir. Let Judas have his thirty pieces of silver, whatever disposition he may choose

to make of them hereafter, whether they shall go to buy a Potter's-field in which to inter this miserable Constitution of ours, crucified by the two gentlemen, suffering for 'conscience sake' under the burthen of the two first officers of this Government, \* \* \* or whether he shall do that justice to himself which the finisher of the law is not as yet permitted to do for him, is quite immaterial."

A little later in this speech he stated that he had been "defeated horse, foot and dragoons—cut up and clean broke down by the coalition of Bliffl and Black George—by the combination unheard of till then of the Puritan with the black leg."\* Deeming himself insulted by this language, Clay challenged Randolph to arms. They met on April 8 on the Virginia side of the Potomac, vainly exchanged shots, shook hands and renewed their former friendly relations.†

On March 31, 1826, George McDuffie rose to speak on the resolution regarding the change in the manner of electing the President, saying in his speech:

"I assert it as a fact that the present Chief Magistrate was elevated to the Presidency against the known and undoubted will of a clear constitutional majority of the people of this Union. If the present Secretary of State had not persevered against all hope and thereby distracted the vote of the Western States, General Jackson would certainly have received the electoral vote of Kentucky, Ohio and Missouri, which, added to those he actually received,

\* Garland, *Life of Randolph*, vol. ii., p. 249 *et seq.*; *Register of Dates*, vol. ii., pt. i., p. 389 *et seq.*

† See Howe, *Historical Collections of Virginia*, pp. 225-226; Rogers, *The True Henry Clay*, pp. 106-123; Garland, *Life of Randolph*, vol. ii., p. 339; Sargent, *Life of Clay*, pp. 119-120; Schurz, *Life of Clay*, vol. i., pp. 273-275; Clay, *Life of Clay*, pp. 153-157; Schouler, *United States*, vol. iii., pp. 368-369; Niles' *Register*, vol. xxx., pp. 115-116.

\* *Register of Debates*, vol. ii., pt. i., pp. 386, 388. See also Sumner, *Life of Jackson*, pp. 107-108.

would have swelled his number to one hundred and thirty-two—one more than a majority of the whole. \* \* \* In the first place, then, I say, in round terms, that Mr. Clay made the President, in opposition to the will of a decided majority of the people of the State he represented and of whole Union. \* \* \* He represented a State where an overwhelming majority of the people were in favor of General Jackson and opposed to Mr. Adams, and where the obligation of the Representative to conform to the will of his constituents is regarded as a fundamental article of the true political creed. \* \* \* Yet, in direct opposition to the will of his constituents, of his fate, and of the United States, \* \* \* he threw the whole weight of his influence in favor of a candidate whom he had habitually professed to despise as a man and detest as a politician, and the only one of his competitors whom he had denounced as unworthy of the high trust to which he aspired. It is but too obvious, then, that Mr. Clay sacrificed his political animosities and his political principles, his duty to himself and his duty to his country, at the unhallowed shrine of ambition. \* \* \* Am I asked for proof? \* \* \* Hear it! He gives the vote of his own State in opposition to his own principles, against the will of the people of that State, and thereby makes the President; and then has the frontless, shameless audacity to set public opinion at defiance by instantly and openly receiving, as the reward of his treachery to the people, and to his own principles the highest office that President can confer upon him!"\*

This cry of bargain and corruption having been fabricated by Kremer, sanctioned by Jackson, and affirmed in the halls of Congress was now indorsed by political meetings. At a meeting of Jackson's friends at Philadelphia in the early summer the Administration was condemned and the election of Jackson declared essential to the welfare of the country, but the people were too busy with their own

affairs to pay much attention to the doings of the politicians, and seemed to accept the result of the election without question and without suspicion.\* The toasts which were drunk on Independence Day of 1826 showed no widespread animosity toward Adams and Clay. This Independence Day was a memorable one in the history of the country, for it was not only the fiftieth anniversary of the adoption of the Declaration of Independence, but also the day on which, within a few hours of each other, Thomas Jefferson and John Adams passed into the great unknown. The one had written the Declaration and the other had been largely instrumental in securing its approval. Each had been a member of the committee which drafted that instrument and each had signed it when approved, each had served his country on a foreign mission, each had served his country both in the Vice-Presidency and in the Presidency, each had become the leader of a party, and both had passed away together. It was truly a singular coincidence. Still more remarkable was it that the day of their death should have been the fiftieth anniversary of the proceedings in which each had borne so conspicuous a part.†

\* Sumner, *Life of Jackson*, pp. 105-106; Par-ton, *Life of Jackson*, vol. iii., p. 98.

† C. F. Adams, *Life and Works of John Adams*, vol. i., p. 520 *et seq.*; Schouler, *United States*, vol. iii. p. 389 *et seq.* *Niles' Register* (vol. xxx., p. 329 *et seq.*), contains the proceedings connected with the obsequies.

\* *Register of Debates*, vol. ii., pt. ii., pp. 1956-1958. In this connection see also Ingham's letter to the Pennsylvanians, in *Niles' Register*, vol. xxviii., pp. 134-138.



Early in 1826, new charges were made against the Administration. One was that Adams had expended \$25,000 in furnishing the east room of the White House, whereas the fact was that the room was practically bare; but the charge was good campaign material, as Adams' subsequent denial had little effect.\* In an inventory of the furniture in the President's house purchased with the public money, there were two items which gave rise to a charge against the administration. There was a billiard table, with balls valued at \$56, and a set of chessmen valued at \$23.50. It was said that the President's conduct in furnishing his residence with gambling accessories was enough to shock and alarm the religious, the moral and the respectable part of the community.† Though Adams informed the committee which made the inventory that no public money had ever been applied to the purchase of this paraphernalia, the charge went out to the public without the accompanying denial and was twisted and distorted for campaign purposes.

Meanwhile Jackson was reiterating the charge of bargain and corruption,‡ and finally persuaded himself into believing that overtures of a corrupt nature had been made to him by Clay. On March 8, 1827, Carter Beverley

wrote a letter, which found its way into the columns of the *Fayetteville Observer*, in which he stated that Jackson had said:

"Mr. Clay's friends made a proposition to his [Jackson's] friends that if they would promise for him not to put Mr. Adams into the seat of Secretary of State, Mr. Clay and his friends would in one hour, make him [Jackson] the president." \*

Clay declared this a gross fabrication and said that he could not believe that General Jackson had ever made such a statement.† Duff Green then declared that Jackson had made the same statement to him two years before. As the charge was now directly up to him, Jackson replied in detail in a letter to Carter Beverley, on June 5, 1827. He said:

"Early in January, 1825, a member of Congress, of high respectability, visited me one morning and observed that he had a communication he was desirous to make to me; that \* \* \* he had been informed by the friends of Mr. Clay that the friends of Mr. Adams had made overtures to them, saying that if Mr. Clay and his friends would unite in aid of Mr. Adams' election, Mr. Clay should be Secretary of State; \* \* \* that the friends of Mr. Clay stated the West did not wish to separate from the East and, if I would say, or permit any of my confidential friends to say, that in case I were elected President, Mr. Adams should not be continued Secretary of State, by a complete union of Mr. Clay and his friends they would put an end to the presidential contest in an hour."

Jackson then went on to say that this bargain had been indignantly scorned, and that, the second day after, Clay had come out openly in favor of

\* Sumner (*Life of Jackson*, p. 114) says that only \$6,000 of the appropriation was expended and the rest was returned to the Treasury.

† *Register of Debates*, vol. ii., pt. ii., pp. 2655-2656.

‡ Brady, *The True Andrew Jackson*, p. 294.

\* *Niles' Register*, vol. xxxii., p. 162; Parton, *Life of Jackson*, vol. iii., p. 111.

† Quincy, *Memoir of John Quincy Adams*, pp. 160-161.

Adams.\* On June 29, learning the contents of this letter, Clay issued a letter to the public unqualifiedly denying such a compact,† and at a dinner at Lexington, on July 12, called upon Jackson to name this “member of Congress of high respectability.”‡ Jackson promptly accepted the challenge, and on July 18, 1827, in a letter to the public declared that the Congressman was James Buchanan, of Pennsylvania.¶ But on August 8 Buchanan flatly denied this.§

This lively dispute was still being discussed by the public when the Tennessee legislature added fuel to the fire by affirming the charge of bargain and corruption and passing a resolution that the President ought to be impeached.¶ An effort was then made to instruct the representatives of the State in Congress to prefer charges against the President, but wiser counsels prevailed and the resolution was voted down by a large majority.\*\*

The charge of corruption and bargaining grew stronger as the time for

the election approached. In desperation, Clay determined to quiet his accusers forever and to furnish to his defenders incontrovertible proof of his innocence. He gathered a great mass of testimony from the members of Congress who had voted for Adams in 1825, refuted the various charges, stated his relations with Jackson for the past few years, and in December of 1827 issued the whole in the form of an address to the people.\*

In 1828 the New York State Senate followed the example of Tennessee in attacking the Administration. On January 7 resolutions were adopted stating that the Constitution needed amending with regard to the manner of choosing the chief magistrate, and stating further that, as the election of Adams by the House of Representatives had clearly been in defiance of the expressed will of the people, the Constitution should be so amended as to place the choice of President and Vice-President with the people themselves. They recommended also that the President should not be reëligible.†

The nomination of electoral tickets now went forward rapidly. At Portland, Maine, a convention endorsed Adams, nominated him for President and Rush for Vice-President. The Massachusetts House of Representatives endorsed Adams, as did the Vermont House of Representatives.

\* *Niles' Register*, vol. xxxii., pp. 316-317, 414; Parton, *Life of Jackson*, vol. iii., p. 112. See also Schurz, *Life of Clay*, vol. i., pp. 282-283.

† *Niles' Register*, vol. xxxii., p. 350.

‡ *Ibid.*, pp. 375-380.

¶ *Ibid.*, vol. xxxii., pp. 399-400, 415; Parton, vol. iii., p. 113.

§ *Niles' Register*, vol. xxxii., pp. 415-416; Parton, vol. iii., pp. 114-115. See also Quincy, *Memoir of John Quincy Adams*, pp. 161-163; Morse, *John Quincy Adams*, pp. 186-189; Sargent, *Life of Clay*, pp. 113-115; Peck, *The Jacksonian Epoch*, pp. 115-117.

¶ Morse, *John Quincy Adams*, pp. 183-184.

\*\* McMaster, vol. v., pp. 508-509.

\* *Niles' Register*, vol. xxxiii., pp. 296-315, vol. xxxiv., pp. 272-273, 306-312.

† *Ibid.*, pp. 351-352.

Those members of the New York legislature who were opposed to Adams declared that Andrew Jackson should be elected, and later in the year the friends of the Administration nominated Adams and Rush. The Administration's friends in Pennsylvania endorsed Adams and Rush,\* while the opposition supported Jackson, and so on through the list of the States. Never before had there been such a mass of campaign literature appealing for the franchises of the voters. The public and private records were ransacked, the careers of both candidates were scrutinized for questionable acts, and nothing of any importance was suffered to pass unquestioned. The old charges against Jackson connected with the execution of Arbuthnot and Ambrister were revived.† He was charged with usurping the powers of Congress and making war on Spain when he invaded Florida; with defying and disobeying orders of the executive when he captured St. Marks and Pensacola; with placing the military against the civil power at New Orleans; with profan-

ity; with hostility to the American system, etc.\* On the other hand, Adams was denounced as a monarchist and an aristocrat; with having refused to pay a subscription to turnpike stock on a legal quibble; with extravagance in the expenditure of public money; with using Federal patronage to influence elections; with corrupting the Civil Service; with holding views inimical to the West; with writing a scurrilous poem against Jefferson in 1802; with having received immense amounts of public money; with having sent out men in the pay of the government to electioneer for him; with having patronized duellists (Clay); with having surrendered a young American servant-woman to the Russian Emperor for immoral purposes; with opposing a protective tariff, etc.‡

The election resulted as was to be expected. South of the Potomac and west of Pennsylvania not a single Adams elector was chosen. Of the popular vote, Jackson secured 648,273, while Adams secured but 508,064.‡ It was indeed a great uprising of the

\* Niles, vol. xxxiii., pp. 332-334.

† A Boston newspaper stated that Jackson had committed twelve murders — Dickinson (in a duel), Arbuthnot, Ambrister, two Indian chiefs and seven of his own soldiers — all in cold blood, and in the most cowardly fashion. The Democrats copied this paragraph but added: "Pshaw! Why don't you tell the whole truth? On the 8th of January, 1815, he murdered in the coldest kind of cold blood above fifteen hundred British soldiers for merely trying to get into New Orleans in search of Booty and Beauty!" See Buell, *History of Andrew Jackson*, vol. ii., p. 105; Schouler, *United States*, vol. iii., p. 439.

\* Parton, *Life of Jackson*, vol. iii., p. 141.

† Sumner, *Life of Jackson*, pp. 115-116; Quincy, *Memoir of John Quincy Adams*, pp. 170-174; Thompson, *History of Protective Tariff Laws*, chaps. xx.-xxi.; Schurz, *Life of Clay*, vol. i., pp. 287-288; Schouler, *United States*, vol. iii., pp. 438-439.

‡ These figures are given by Sumner, *Life of Jackson*, p. 117. McMaster (vol. v., p. 518) gives the same for Adams, but 647,276 for Jackson, as does MacDonald (*Jacksonian Democracy*, p. 41). The *World Almanac* for 1912 (p. 218) gives the vote as 647,231 for Jackson and 509,097 for Adams.



people, a triumph of democracy, and, to the greater portion of the people, was the downfall of a corrupt and aristocratic administration. Early the next year the electoral vote was counted and showed 178 for Jackson and 83 for Adams.\* Jackson there-

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\* Buell, *History of Andrew Jackson*, vol. ii., p. 199; Parton, *Life of Jackson*, vol. iii., pp. 150-151.

fore became the seventh President of the United States. John C. Calhoun received only 171 votes for Vice-President, seven of the Georgia votes being given to William Smith, of South Carolina, with Richard Rush, of Pennsylvania, receiving the remaining 83 votes.\*

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\* Stanwood, *Presidential Elections*, p. 101; Schouler, *United States*, vol. iii., p. 539.



SERIES TEN

LECTURE FORTY-FOUR

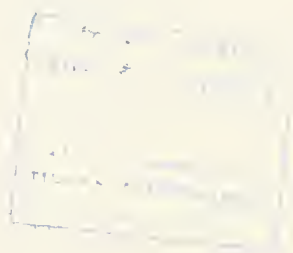
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*The Jacksonian Democracy and the Rise of the New West: The  
Period of Sectional Divergence, 1829—1849*

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44. Jackson and Nullification





# THE UNITED STATES

## CHAPTER I.

1829 - 1830.

### OPENING MEASURES OF JACKSON'S ADMINISTRATION.

The Rise of the Spoils System — Jackson's inauguration and the subsequent scramble for office — Proscriptions among the office-holders — Benton's views — Assaults on the bank — Biddle's correspondence with Woodbury and Ingham — Jackson's attack on the bank in his first annual message — Foot's resolution on public lands — Benton's speech — The debate between Webster and Hayne — The nullification toasts of Jackson, Calhoun and Van Buren — Madison's letter on nullification — The debate on internal improvements — The tariff bill of 1830 — The debate on the renewal of the Bank charter.

AFTER the electoral vote had been counted and Jackson had been declared President-elect, he was beset from morning till night with a host of office-seekers, office-holders, and admirers. For the first time since 1801 there was evidence of a complete political revolution and a real change in the administration. Never before had the will of the Nation respecting a change in the administration been expressed so clearly and emphatically.

Up to this time the Spoils System was comparatively unknown in National politics. When the Republicans came into office, succeeding party changes brought retaliation and both parties were soon committed to the practice. Popular approbation confirmed, and popular apathy allowed, appointments made exclusively for political reasons, and changes were

so frequent that there was no time to investigate merit.\* In 1820 New York had attempted to adopt a reform when a new constitution was adopted. The Council of Appointment was abolished and the power and responsibility were concentrated in the hands of the governor and the senate, while the number of appointive offices was greatly decreased by placing the election of militia officers and justices of the peace in the hands of the people.† The Spoils System, however, was too firmly intrenched to yield, and, as we have seen, the Al-

\* Roosevelt (*Life of Benton*, p. 79 *et seq.*) says it is unfair to assert that Jackson was the originator of the Spoils System, though he was certainly its foster-father. It was from the Eastern men that this most effective method of debauching political life came. See also Peck, *The Jacksonian Epoch*, p. 330 *et seq.*

† See Shepard, *Martin Van Buren*, pp. 65-73; Bancroft, *Martin Van Buren to the End of His Public Career*, pp. 62-109.

bany Regency became the dominant power in the State.\* The advantages of this system in building up and holding together a political organization did not escape the attention of politicians of other States. Proscriptions were carried out in Rhode Island in 1810 and in Massachusetts in 1813; and, while they did not lead to a permanent introduction of the Spoils System in these States, they showed the existence of a class anxious to see the public offices turned over to the politicians. Gradually the politicians began to tinge the National service in their States and could not rest satisfied until they had elected to the Presidency a man who approved of their principles and would apply the Spoils System throughout the Nation. Such a man they found in Andrew Jackson. After four years of ceaseless agitation, they triumphed, and it was folly to suppose that they would let power remain in the hands of the party they had overthrown.

After Jackson's election and before his term of office began, many offices had become vacant through death and resignation. Adams immediately nominated persons to fill these vacancies; but, as the majority of the Senate were friendly to Jackson, the nominations were held up until after March 4, with the avowed purpose of giving the new President the patron-

age of the appointments.\* Having given this first indication of what was to come, the House and Senate next took away the public printing from the *National Intelligencer* and gave it to Duff Green, the proprietor of the *Telegraph*. Being thus informed of what they might expect, the office-seekers looked forward with high hopes to March 4 and the office-holders with apprehension.†

The ceremonies attending Jackson's inauguration were of the simplest kind; there was no parade, no music, and none of the pomp and show which had characterized some of the previous inaugurations. The President walked to the Capitol, made his way to the Senate Chamber, and then from the east portico and in the presence of the large concourse, delivered his inaugural address.‡ It was one of the briefest inaugural addresses in history, was plainly expressed, and indicated Jackson's views on the great questions of policy and government which would be likely to require his attention. After the address was delivered, Chief Justice John Marshall administered the oath of office, and then a wild scramble to grasp the hand of the people's President ensued. Mounting his horse, Jackson started for the White House, followed "by a motley crowd riding, running helter-skelter, each striving to be the

\* Daniel Webster's *Works*, vol. i., p. 359.

† See Schouler, *United States*, vol. iii., p. 458 et seq.

‡ See Richardson, *Messages and Papers*, vol. ii., pp. 436-438.

\* Regarding this see also Von Holst, *Constitutional and Political History*, vol. ii., p. 20 et seq.





ANDREW JACKSON.

Seventh President of the United States.

TO NEW YORK  
FROM NEW YORK  
AS OF 1912  
TILLY FUNDING

first to gain admittance into the executive mansion, where it was understood that refreshments were to be distributed."\* "The reign of King Mob seemed triumphant."† The scramble for refreshments at the White House was the forerunner of a yet more indecent scramble for office at the hotel where Jackson continued to reside for some days.‡

The President did not leave the country long in doubt as to his conception of the term "reform," which had been the rallying cry during the election. That a general proscription was to follow, even his opponents had not thought likely, for he had come to the Presidency as an avowed advocate of civil service and twice during his career had placed himself on record as opposed to the partisan use of

patronage in the governmental departments.\* The Post-office afforded the most excellent machine for party organization, for on its roll were 27,000 employees scattered from Maine to Louisiana and performing the work of nearly 8,000 post-offices. In this department, therefore, the work began, but Jackson soon found trouble with Postmaster-General McLean, who refused to make the removal of postmasters Jackson expected, and, as his determination could not be shaken, he was nominated and confirmed Supreme Court Justice whereupon, as before stated, William T. Barry became Postmaster-General.† Within a few days the chief clerks of the departments, 22 collectors of customs, 14 surveyors of the customs, 7 registrars of the land office, 3 receivers of the public money, 2 naval port officers and 2 pursers in the navy, and William Henry Harrison, minister to Colombia, were turned out of office. Next went the chief clerks of the departments, and immediately the petty office-holders became panic-stricken and the office-seekers made noisy and impudent applications for their

\* Schouler, *United States*, vol. iii., p. 455; Parton, *Life of Jackson*, vol. iii., pp. 170-171.

† Story, *Life of Story*, vol. i., p. 563.

‡ Schurz, *Life of Clay*, vol. i., pp. 333-334; Curtis, *Life of Webster*, vol. i., p. 338. It was supposed that the Cabinet would be as follows: Martin Van Buren, then Governor of New York, Secretary of State; Samuel D. Ingham, of Pennsylvania, Secretary of the Treasury; John H. Eaton, of Tennessee, Secretary of War; John Branch, of North Carolina, Secretary of the Navy; John McPherson Berrien, Attorney-General; and John McLean, of Ohio, Postmaster-General. The supposition proved to be correct, save that McLean, who then held the Postmaster-Generalship, was nominated and confirmed on March 7 as Associate Justice of the Supreme Court, to take the place of Justice Tremble, and William T. Barry, of Kentucky, became Postmaster-General in the place of McLean. See Sumner, *Life of Jackson*, p. 141; Parton, *Life of Jackson*, vol. iii., pp. 174-179; Schouler, *United States*, vol. iii., pp. 456-457; Shepard, *Martin Van Buren*, p. 151; MacDonald, *Jacksonian Democracy*, p. 47 *et seq.*

\* MacDonald, *Jacksonian Democracy*, pp. 55-56. Webster said: "What it [the inaugural address] says about reform in office may be either a prelude to a general change in office or a mere sop to soothe the hunger, without satisfying it, of the thousand expectants for office who throng the city and clamor all over the country. I expect some changes, but not a great many at present."—Fletcher Webster, *Private Correspondence of Daniel Webster*, vol. i., p. 473.

† Schouler, *United States*, vol. iii., pp. 457-458.



places.\* Every day the work of proscriptio went on and a batch of the unfaithful were dismissed. Jackson was besieged by a swarm of office-seekers and it was said that the avenues to his house were blocked by applicants. One of the office-seekers (Samuel Swartwout) expressed the feelings of them all when he said:

"No damned rascal who made use of his office or his profits for the purpose of keeping Mr. Adams in and General Jackson out of power is entitled to the least lenity or mercy, save that of hanging. \* \* \* Whether or not I shall get anything in the general scramble for plunder remains to be proved; but I rather guess I shall. \* \* \* I know Mr. Ingham slightly and would recommend you to push like a devil if you expect to get anything from that quarter."†

By July it was estimated that 300 postmasters in as many cities, towns, and villages had been deprived of office, and the clerks, when there were any, had been ejected by the new power. Before Congress met, 4 new ministers plenipotentiary had been appointed; 2 new chargés and 4 new secretaries of legation; the marshals and district-attorneys had been changed in 16 States; 48 collectors, surveyors, naval officers, and appraisers had been removed; 26 receivers and registrars in land offices had made way for other men; 21 new consuls had been appointed; and in the department at Washington 46 changes had been made. In the course of the nine months of the recess 167 remov-

als and appointments had taken place in which the Senate had no voice. Within a year 491 postmasters were displaced and others appointed in their places;\* more than 300 of these removals were in States or Territories which had voted for Adams, while only 160 took place in States or Territories which had supported Jackson. Thus during the first year of the administration fully 700 changes in Government offices were made.†

Unusual interest attached to the President's first message, for South Carolina was in revolt against the tariff, Georgia clamored for the removal of the Indians, the public lands question was being agitated in the West, the anti-slavery question was beginning to assume prominence, and the removals from office had aroused intense indignation throughout the country. But these questions gave little concern to Jackson, who was mostly concerned about the Bank of the United States, an institution concerning which comment was least expected. It is true that the bank had been an object of bitter hatred by a large part of the people, and had been denounced by political leaders and the tradesmen. State after State had attempted to drive the bank from its jurisdiction or to prevent the estab-

\* Sumner, *Life of Jackson*, p. 147; Parton, *Life of Jackson*, vol. iii., p. 210; *Niles' Register*, vol. xxxviii., p. 59.

† Buell, *History of Andrew Jackson*, vol. ii., pp. 216-217; Schurz, *Life of Clay*, vol. 1, p. 334; Schouler, *United States*, vol. iii., p. 463.

\* McMaster, vol. v., p. 528.

† W. L. Mackenzie, *Life and Times of Martin Van Buren*, p. 197; Parton, *Life of Jackson*, vol. iii., p. 211; Shepard, *Martin Van Buren*, p. 177.

lishment of further branches. The enactments took various forms, from compelling all banks doing business within the State to secure a charter from the legislature, to the imposition of a heavy tax on the branches. Petitions were also adopted, requesting Congress to amend the Constitution so as to forbid the chartering of any bank by Congress for conducting business outside the District of Columbia.

Meanwhile the bank had come into possession of many thousands of acres of land in Kentucky and Ohio on which it had loaned money and which the hard times in 1819 forced the farmers to sell. This property rapidly appreciated and saved the bank from financial ruin, while the attacks of the States were averted by the Supreme Court in the cases of *McCullough vs. Maryland*, and *Osborne vs. The Bank of the United States*. But though these banks were protected, the hatred of thousands of western borrowers and numerous State banks was never abated, and no opportunity was lost to make an attack. With the election of Jackson, these assaults became serious. During the campaign it was charged that several branches of the bank had spent money and used their influence to defeat Jackson, and had the Federalists triumphed in the election, undoubtedly these charges would soon have been forgotten. After Jackson's election, however, Postmaster-General McLean wrote to Nicholas Bid-

dle, president of the bank, complaining of the action of the Kentucky branches. He suggested that the directors be drawn from both political parties, and sent a list of Jackson men in Kentucky, from which suitable directors might be chosen. The accused bank officers denied the charges against them, and said that the men nominated by them were unfit to be directors, and would certainly turn the bank into a Jackson machine.\* On January 11, 1829, Biddle assured McLean that the bank was not meddling with politics, declaring that the plan suggested would force incompetent persons on the bank. With this correspondence the attack ended for the time being.†

Shortly after Jackson's inauguration an attack was made on the branch of the bank at Portsmouth, New Hampshire. On June 27, 1829, Levi Woodbury, one of the Senators from New Hampshire, wrote a letter to Samuel D. Ingham, stating that Jeremiah Mason, manager of that branch, was not altogether civil in his manners and was partial to anti-Jackson men in making loans and collections.‡ Woodbury's letter was sent to Biddle, with a note in which the Secretary hinted that the hostility of the bank

\* *Senate Doc.* 17, 23d Congress, 2d session, pp. 298-299, 301, 304, 305.

† R. C. H. Catterall, *The Second Bank of the United States*, pp. 171-172.

‡ Parton, *Life of Jackson*, vol. iii., pp. 260-261; *House Report* 160, 22d Congress, 1st session; Dewey, *Financial History*, p. 200; Schurz, *Life of Clay*, vol. i., p. 353.

toward the administration was the real cause of the trouble. Biddle denied Woodbury's charges and assured the Secretary that the bank was not concerned with political affairs and never had used its power for either local or party purposes.\* Several members of the New Hampshire legislature, however, requested that a change be made in the board of directors of the Portsmouth branch, and named 10 persons suitable to form a new board—a request which Isaac Hill, second comptroller of the currency, heartily endorsed.† In a letter dated July 17, 1829, Hill said that the board had invariably consisted of opponents of the administration, but of the suitable persons named by the New Hampshire people, six were friends of the last administration and four of the present administration.‡ In answering Hill's letter, Biddle said that evidently the Secretary believed that “the relations between the government and the bank confer some supervision of the choice of officers of the bank,” that “there is some action of the government not precisely explained, but of which he is the agent,” and “that it is his right and duty to suggest the views of the administration as to the

political opinions and conduct of the officers of the bank.” From this belief the directors dissented, acknowledging no responsibility whatever for the political opinions of its officers, either to the Secretary or to the Executive, nor did they consider freedom from political bias impossible.\* The Secretary replied on October 5, reminding Biddle that the Administration could act on the banks in two ways. The President could appoint five directors; the secretary could remove the Government deposits for which the bank itself had furnished a good reason—the use of its power for political purposes.† Biddle now saw that he had gone too far, and under the apprehension that Jackson might attack the bank in his message to Congress, he wrote to Ingham on October 9, 1829, attempting to smooth over the matter. He also appointed several Jackson men to direct the affairs of a few branch banks, and toward the middle of November, went in person to Washington, and saw the President.‡ It is probable that at this time Jackson had no ill-feeling toward Biddle, that he was grateful for the services rendered by the bank in paying the July installment of the public debt, and that he promised to say so in his first annual message.||

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\* Sumner, *Life of Jackson*, pp. 236-238; White, *Money and Banking*, p. 291; Von Holst, *Constitutional and Political History*, vol. ii., p. 33; Parton, *Life of Jackson*, vol. iii., pp. 262-263.

† Von Holst, *Constitutional and Political History*, vol. ii., pp. 33-34.

‡ See the letter quoted in White, *Money and Banking*, pp. 288-289.

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\* Sumner, *Life of Jackson*, p. 239; Schouler, *United States*, vol. iii., p. 475.

† Sumner, *Life of Jackson*, p. 240; White, *Money and Banking*, p. 292; Parton, *Life of Jackson*, vol. iii., p. 267.

‡ Catterall, *Second Bank*, p. 190 *et seq.*

|| Schouler, *United States*, vol. iii., p. 474.



Biddle seemed well pleased with the result of his visit, but hardly had he returned when he received warning from Alexander Hamilton (November 27) that the President would declare himself against a renewal of the charter.

Jackson had come to the conclusion that the bank was unconstitutional; that it had failed to provide a sound currency for the country; that it ought to be replaced by a totally different sort of an institution, and that it was his duty to lay the matter before Congress.\* His idea was that this bank should be a National bank of deposit, with power in time of war to issue bills bearing a moderate rate of interest and payable on the return of peace, for such bills guaranteed on the faith of the Nation and based on the revenues would do away with loans in time of war and would readily be taken by bankers and capitalists. Accordingly in his first annual message of December 8, 1829, Jackson violently attacked the bank, though his attack was unproductive of results for some time.†

The important part of the message was referred to the Committee on

Ways and Means, while the other parts were referred to the proper committees. For some time the chief business of the Senate consisted in receiving reports of committees, referring petitions, and disposing of motions for inquiry. Among the latter was one offered on December 29, 1829, by Senator Samuel A. Foot, of Connecticut. His resolution as finally amended was as follows:

"Resolved, That the committee on public lands be instructed to inquire and report the quantity of public lands remaining unsold, within each state or territory; and whether it be expedient to limit, for a certain period, the sales of the public lands to such lands only as have heretofore been offered for sale, and are subject to entry at the minimum price; and also, whether the office of surveyor-general, and some of the land offices, may not be abolished without detriment to the public interest; or whether it be expedient to adopt measures to hasten the sales, and extend more rapidly the surveys of the public lands."\*

Foot's design in proposing this resolution seemed obvious. The average annual sales of public lands amounted to about 1,000,000 acres and there were still 100,000,000 acres of the National domain already surveyed remaining unsold. This he thought would supply the market for more than a generation, even though the annual sales should increase far more rapidly than was at all probable. If his suggestions were adopted, therefore, a considerable retrenchment of the public expenditure might be effected without any diminution of the revenue from that source or any

\* For his views respecting the Bank see Buell, *History of Andrew Jackson*, vol. ii., p. 233 *et seq.*

† The entire message will be found in Richardson, *Messages and Papers*, vol. ii., pp. 442-462; *Register of Debates*, vol. vi., pt. ii., app., pp. 3-19; Benton, *Abridgment*, vol. x., pp. 405-414; in the *House and Senate Journals*, 21st Congress, 1st session; *Niles' Register*, vol. xxxvii., pp. 247-254; and for the section relating to the bank, *House Journal*, pp. 27-28; MacDonald, *Select Documents*, pp. 238-239.

\* *Register of Debates*, vol. vi., pt. i., pp. 3-4; *Niles' Register*, vol. xxxvii., pp. 291, 378.

actual hindrance to the settlement of the West. When a resolution proposing an inquiry was presented, it was the usual course to postpone the discussion until the committee should report to Congress. On the present occasion, however, this course was not pursued, for hardly had the resolution been introduced when Senator Benton declared that he was against a reference to committee. He said that while it was unusual to oppose the reference of a resolution of inquiry, this was a resolution to inquire into the expediency of doing a great injury to the new States of the West and ought not to be allowed. He therefore moved to put the resolution on the calendar and make it the order of the day for some future date.\* This was done and, early in January of 1830, the discussion was resumed. On January 18 Benton made a speech in which he again opposed a reference and asserted that the resolution presented three distinct propositions: to stop the survey of public lands, to limit sales of land already in the market, and to do away with the office of Surveyor-General.† He said this would check emigration to the new States in the West, would retard the other settlements, and would deliver up large portions of them to the dominion of wild beasts, to which he for one would never con-

sent.\* He resisted the reference of the resolution on the ground that it was never right to inquire into the expediency of doing wrong.

The discussion then drifted to other subjects and, as Webster said, the resolution itself was almost the only subject not considered. The chief interest in the debate was the discussion by Webster and Robert Y. Hayne of the nature of the Union. The resolution was taken as an indication of hostility on the part of the East, and particularly New England, to the development of the West. Being bitterly opposed to the tariff of 1828, regarded as a sectional measure, the South was ready to join with the West in resisting any supposed attempt of the East to control the National policy.

On January 19 Hayne followed Benton with a speech much in the same vein. Reviewing the land policies of England, France, and Spain in colonial times, he then compared these with the land policy of the United States. He drew a dismal picture of the manner in which the settler on public lands who spent this money not in the West but in the East was stripped of his money by the Government. He said that there were two irreconcilable opinions as to the policy of the Government in relation to public lands. Some contended that the lands should be reserved so as to

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\* For the debate see *Register of Debates*, vol. vi., pt. i., pp. 4-6, 11-16.

† *Ibid.*, vol. vi., pt. i., p. 22 *et seq.*

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\* McMaster, *Life of Webster*, pp. 158-160. See also Houston, *Nullification in South Carolina*, p. 87.



ROBERT Y. HAYNE.





form a permanent fund for revenue and future distribution among the States. Others insisted that the public lands belonged and ought to be relinquished to the States in which they were. Hayne said that if the lands were reserved as a permanent fund for revenue, this would create an enormous corruption fund, would enable Congress and the executive to control the States, corporations and individuals, and thus ruin the purity of our institutions and the sovereignty and independence of the States. The life-blood of our Government was the independence of the States, and the further consolidation of the Government was an evil to be shunned. There was another object to which the public lands might be applied, Hayne said, and that was to create and maintain in certain parts of the Union a population fit to toil in great manufacturing establishments. By limiting the sales of land in the West it would furnish to the manufacturing States that low and degraded population which infested the cities and towns in Europe, and having no other means of gaining a livelihood, worked for the lowest wages. That the Government should arbitrarily pass legislation to adjust the pursuits of society was monstrous, but it was still more monstrous to pauperize the people so that the rich mill and factory owners might amass great wealth from the labors of people whom the Government itself kept in poverty. He therefore abhorred the idea that

the power of the Government should ever be used for such purposes.\*

On the 20th Webster replied to Hayne defending New England against the charge of opposition to the West.† He had not been in the Senate when Benton attacked the East and did not know that he had spoken, but he was present while Hayne spoke and took notes on what he said.‡ Webster denied the allegations that the policy of the Government toward the Western States had been harsh or severe, that the Government had been careless of their interest or deaf to their requests, and ridiculed Hayne's fears that the public lands might become a means of corrupting and consolidating the Government. "Consolidation!" said he, "that perpetual cry, both of terror and delusion—consolidation! Sir, when gentlemen speak of the effects of a common fund, belonging to all the States, as having a tendency to consolidation what do they mean? Do they mean, or can they mean, anything more than that the union of the States will be strengthened by whatever continues or furnishes inducements to the people of the States to

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\* *Register of Debates*, vol. vi., pt. i., pp. 31-35; Benton, *Abridgment*, vol. x., pp. 418-421; *Niles' Register* vol. xxxvii., pp. 415-418; McMaster, vol. vi., pp. 14-15. See also Jervey, *Robert Y. Hayne and His Times*, p. 235; Houston, *Nullification in South Carolina*, pp. 87-88.

† *Register of Debates*, vol. vi., pt. i., pp. 35-41; *Niles' Register*, vol. xxxvii., pp. 435-440; Benton, *Abridgment*, vol. x., pp. 421-423. See also Jervey, *Robert Y. Hayne*, p. 237 *et seq.*

‡ McMaster, *Life of Webster*, p. 161.

hold together? \* \* \* This is the sense in which the framers of the Constitution used the word consolidation." He said he desired no greater powers for the general government, but he rejoiced in anything that might strengthen the bond uniting, establishing, and perpetuating the Union, for he believed that the union of the States was essential for the safety and well-being of the individual States. He then denied that the East was hostile to the West; enumerated the many benefits the East had conferred on the West; stated that, if the votes of New England members were stricken from the list of ayes on any measure for the benefit of the West, it would be found that in every case the South had voted down the West and that the measure would have failed. He ended his speech by moving that Foot's resolution be indefinitely postponed.\*

This speech made a profound sensation, and on the following day, when Hayne was expected to reply, the gallery was packed; the lobbies and even the Senate floor itself were invaded. After routine business had been disposed of, it was moved that consideration of the Foot resolution be postponed until Monday, as Webster, whose time would be occupied in court, wished to hear the discussion, but could not be present earlier.

Hayne objected, however, and Webster induced the Senate to let the discussion proceed.\* Hayne then began his reply, continuing to speak until candlelight, when the Senate adjourned until Monday, January 25.† On that day Hayne resumed his reply and spoke until four o'clock.‡ Webster then obtained the floor for the following day, and the Senate arose. On the next day (the 26th) Webster began his great reply to Hayne, which was considered conclusive and unanswerable. Those who heard Webster were fully convinced that he was by far the greatest man in Congress, and this was the universal verdict.||

To those who heard and read the speeches of Benton, Hayne, and Webster, it seemed that Hayne was attempting to unite the South and West against the East, and that it was his purpose to prove that not only was the East attempting to injure the West by preventing emigration, but that she was injuring the South by a high protective tariff. In his speech Hayne declared that no evil was more to be deprecated than the consolidation of the Government, and it was this remark that Webster seized upon as affording a proper occasion to attack what he called the South Caro-

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\* Curtis, *Life of Webster*, vol. i., p. 357.

† *Register of Debates*, vol. vi., pt. i., pp. 41-42; *Niles' Register*, vol. xxxviii., p. 10 *et seq.*

‡ *Register of Debates*, pp. 43-58; Benton, *Abridgment*, vol. x., pp. 423-428.

|| McMaster, *Life of Webster*, p. 182 *et seq.*; Tefft, *Life of Webster*, pp. 265-266.

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\* McMaster, *United States*, vol. vi., pp. 16-17; *ibid.*, *Life of Webster*, pp. 162-166; Tefft, *Life of Webster*, pp. 263-265; Houston, *Nullification in South Carolina*, p. 88 *et seq.*



lina Doctrine. In replying, Hayne said that if the general government were the sole judge of the extent as well as of the limitations of its powers, then the States had lost their sovereignty and independence. If the Federal government may prescribe the limits of its authority, if the States were bound to submit to this authority, if they may not examine and decide for themselves when the National government had overleaped the barriers of the Constitution, then the power of the Government is surely unlimited, the States reduced to petty corporations, and the people entirely at the mercy of Congress.\*

In his second reply to Hayne on January 26, 27,† Webster delivered the speech that won him the popular title of defender and expounder of the Constitution. He stated that the five principles of the South Carolina Doctrine were that, whenever the Government should transcend its constitutional limits, the State legislatures had the right to interfere and arrest the operation of its laws; that this right existed under the Constitution, but was not a revolutionary one; that the States possessed this right to interfere for the purpose of correcting the exercise of power by the general

government, of checking it, and of compelling it to conform to their opinion to the extent of its powers; that neither the general government nor any branch possessed the ultimate power of judging the constitutional extent of its authority, but that the States might decide for themselves, and each State for itself, whether any act of the general government transcends its powers; and that a State might annul any act of the general government which it should deem plainly and palpably unconstitutional. He said that these principles arose from the misconception as to the origin of the government, its true character, and the sources of its power. "If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it." If the general government were the agent of the State government, then 'it is the servant of four and twenty masters of different wills and different purposes, and yet bound to obey all. But this was not the true conception.

"It is, sir, the people's government; made for the people; made by the people; and answerable to the people. The people of the United States have declared that this constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by this supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to

\* Jervey, *Robert Y. Hayne and His Times*, pp. 241-252; Houston, *Nullification in South Carolina*, pp. 91-92.

† *Register of Debates*, vol. vi., pt. i., pp. 58-80; *Niles' Register*, vol. xxxviii., pp. 25-48; *Benton, Abridgment*, vol. x., pp. 428-438; *Webster's Works* (ed. 1857), vol. iii., pp. 248-257. Excerpts from the speeches of both are given in *MacDonald, Select Documents*, pp. 240-259.

the General Government, so far the grant is unquestionably good, and the government holds of the people and not of the State Governments. We are all agents of the same supreme power, the people. The General Government and the State Governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted and the other general and residuary. \* \* \* Where do [the States] find the power to interfere with the laws of the Union? \* \* \* I hold it to be a popular Government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people as the State Governments. It is created for one purpose; the State Governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress than with Congress to arrest the operation of their laws. We are here to administer a constitution emanating immediately from the people, and trusted, by them, to our administration. It is not the creature of the State Governments. \* \* \*

This government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures. Nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. \* \* \*

Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted was, to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had quite enough of that kind of government under the Confederacy. \* \* \*

If anything be found in the national constitution, either by original provision, or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any consideration be established, unacceptable to them, so as to become practically a part of the constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is; while they are satisfied with it, and refuse to change it, who has given, or who can give, to the State legislatures, a right to alter it, either by interference, construction, or otherwise? \* \* \*

The people of the United States have, at no time, in no way, directly or indirectly, author-

ized any State legislature to construe or interpret their high instrument of government, much less to interfere, by their own power, to arrest its course and operation."

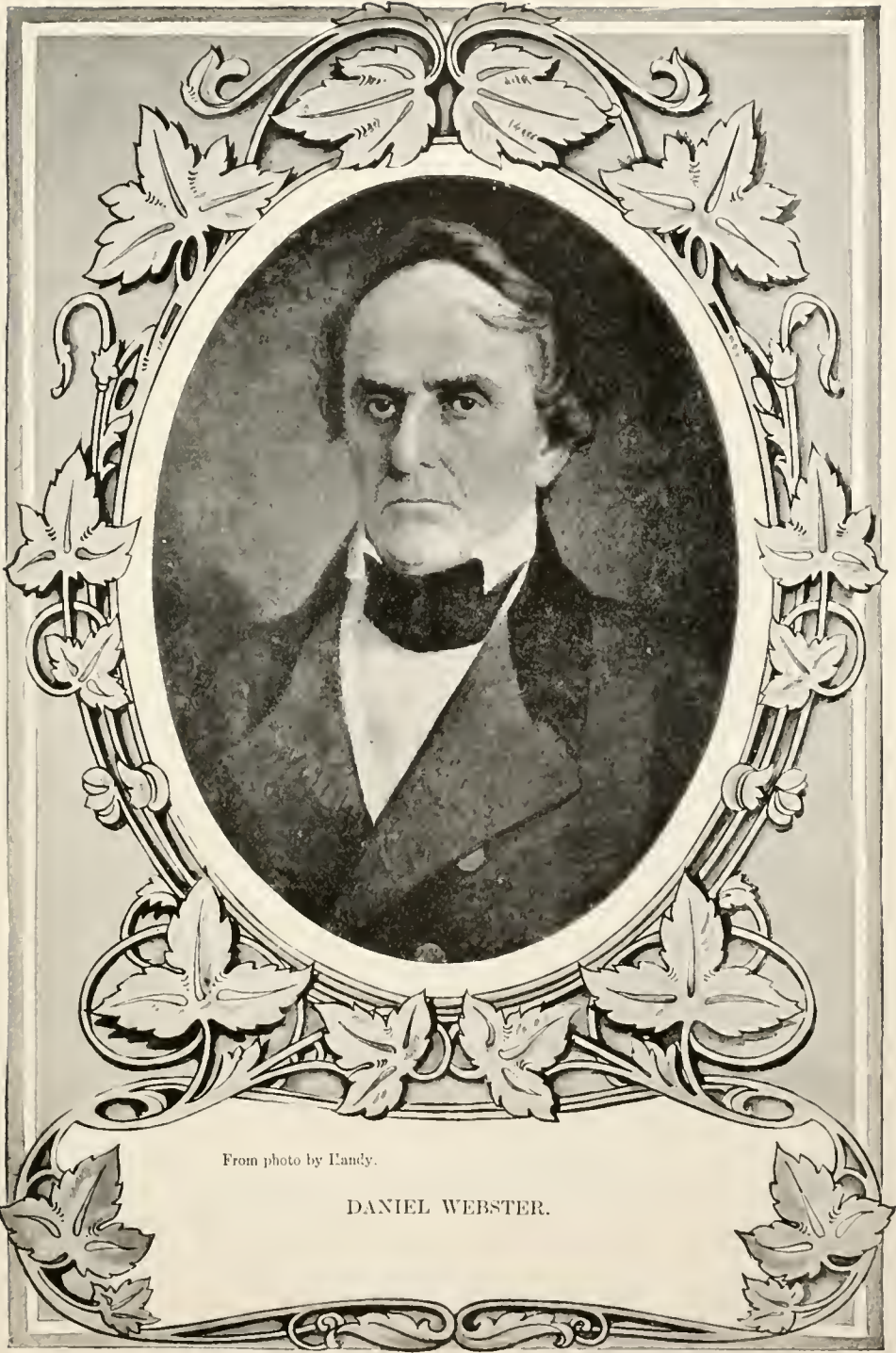
He concluded his speech by saying that he hoped his eye would never witness the severing of the bonds which unite us together, that he might not see the broken and dishonored fragments of a glorious union of States—a land rent with evil feuds or drenched in fraternal blood.

"Let their [his eyes] last feeble, lingering glance, rather, behold the gorgeous ensign of the republic now known and honored throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured—hearing for its motto no such miserable interrogatory as, *What is all this worth?* Nor those other words of delusion and folly, *Liberty first and union afterwards*—but everywhere, spread all over in characters of living light, blazing on all its ample folds as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart—*Liberty and Union, now and forever, one and inseparable!*" \*

Webster's reply to Hayne compelled the latter to explain his position more fully, which he did on the 27th.† Hayne said that the States had not lost their sovereignty on the adoption of the Constitution, but that such powers as were not delegated to the United States by the Constitution were reserved to the States, therefore,

\* McMaster, *Life of Webster*, pp. 174-181; Tefft, *Life of Webster*, pp. 267-279. See also Jervy, *Robert Y. Hayne and His Times*, pp. 253-259; Houston, *Nullification in South Carolina*, p. 92 et seq.

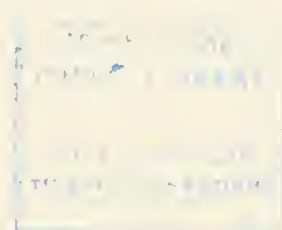
† *Register of Debates*, vol. vi., pt. i., pp. 82-92; Benton *Abridgment*, vol. x., pp. 438-447.



From photo by Handy.

DANIEL WEBSTER.





the true nature of the Constitution was a compact to which the States were parties — by which they had consented that certain designated powers should be delegated by the general government in the manner prescribed in the instrument, and by which strictly delegated powers the Federal government had no right to act. He said that the whole form and structure of the Federal government, the opinions of the framers of the Constitution, and the organizers of the State governments admit that, though the States have surrendered certain specific powers, they have not surrendered their sovereignty. He denied that the Constitution was framed in the sense by which that word was used by Webster, for he said that where the words, “We the people of the United States” appeared, it was clear that they could only relate as people to the citizens of the several States, because the Federal government was not then in existence. To show that in entering into this compact the States acted in their sovereign capacity, and not merely as parts of one great community, what can be more conclusive than the historical fact that, when every State save one had consented to it, she was not held to be bound. The States had not given away the right of determining the limits of their powers, but had merely granted to the Federal government certain specific powers. Now, the moment the Federal government should step beyond the limits of its charter, the

rights of the States “to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them” are as full and complete as they were before the Constitution was framed. He said that there was no reason why the simple difference of opinion as to the true construction of the compact ever should cause war between States. Rival nations had existed in friendly relations for centuries, and there was no reason why friendly States could not do likewise. But if Congress should ever attempt to enforce laws repugnant to the States, it would put itself so clearly in the wrong that no one could possibly doubt the right of the States to exert their protecting power.\*

Webster briefly replied to this speech saying that Hayne's argument considered but two propositions and one inference.† His propositions were first, that the Constitution is a compact between States; second, that the compact between two with authority reserved to one to interpret its terms would be a surrender to that one of all power whatever. The inference was that the general government does not possess the authority to construe its own powers. If the Constitution were a compact between the States and the States only are parties to that

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\* Jervcy, *Robert Y. Hayne and His Times*, pp. 260-264.

† *Register of Debates*, vol. vi., pt. i., pp. 92-93; Benton, *Abridgment*, vol. x., pp. 447-448.

compact, how then does the general government itself become a party? Upon the Hayne hypothesis the general government is the result of the compact—the creature of the compact, not one of the parties to it, yet the argument, as the gentleman now stated, makes the government itself one of its own creatures; it makes it a party to that compact to which it owes its own existence. Webster said that Hayne considered the States as parties to the compact, but as soon as his compact is made, then he chooses to consider the general government, which is the offspring of that compact, not its offspring but one of its parties, and so, being a party, has not the power of judging of the terms of the compact.

The debate thus started by Webster and Hayne dragged on until late in May, never losing the lofty character given it by the two great leaders.\* Very little was said on the subject of the resolution itself, though almost everything else under the sun was discussed. It was, in truth, not a debate but a long wrangle, in which sectional jealousy, party hatred, and personal animosity broke forth continually. Among those who discussed the constitutional issue were many who differed from every argument put forth by Webster and Hayne, the details of which, however, we cannot give. Fi-

nally on May 21, after the Senators had talked themselves hoarse, the resolution was laid on the table\* and the great debate on State rights ended.†

As yet the President had said nothing that would justify the supporters of either side in claiming his endorsement. That he should do so—and quickly—was important, and to bring this about the leading nullifiers in Congress formed a plan. They determined to celebrate April 13, the birthday of Thomas Jefferson, the father of nullification, by a great political dinner to which the President, the Cabinet officials and many other prominent men were invited.‡ A number of formal toasts were prepared which were followed by long continued cheering, etc. At the end of these toasts the diners were expected to offer such toasts as they pleased without being formally called upon to do so. The President was requested by the toastmaster to express a sentiment. This was the moment most anxiously awaited and the sole purpose for which the dinner had been proposed. Up to this point of the celebration Jackson had given no indication of what he thought. When he arose, therefore, the nullifiers were horrified to hear him say, “ Our Fed-

\* *Senate Journal*, 21st Congress, 1st session, p. 316.

† McMaster, vol. vi., pp. 27–30. See also Curtis, *Life of Webster*, vol. i., p. 359 *et seq.*; Benton, *Thirty Years' View*, vol. i., chap. xlv.; Sargent, *Public Men and Events*, vol. i., pp. 169–175; Edward Everett in *North American Review*, vol. xxxi., pp. 462–546.

‡ Schouler, *United States*, vol. iii., p. 492.

\* For speeches see *Register of Debates*, vol. vi., pt. i., pp. 95–172, 179–220, 223–244, 247–272, 277–302, 435–452; Benton, *Abridgment*, vol. x., pp. 449–463, 472–483, 486–497, 504–511.



eral Union: It must and shall be preserved.”\* Calhoun was then called upon for a toast, which was given as follows: “The Union: next to our liberty most dear. May we all remember that it can only be preserved by respecting the rights of the States and by distributing equally the benefits and burthens of the Union.”† Van Buren next arose and proposed “Mutual forbearance and reciprocal concessions. Through their agency the Union was established. The patriotic spirit from which they emanate will forever sustain it.” The nullifiers were thrown into despondency by these toasts, particularly that of Jackson, but the anti-nullifiers asserted that the President had in fact declared to the South, “You may complain of the tariff and perhaps with reason, but so long as it is the law of the land, it shall be enforced, so surely as my name is Andrew Jackson.”‡ The anti-nullifiers then requested Madison to express his sentiments, which he did in August in a letter to Edward Everett. He then said that the Constitution provided a mixture of consolidated and confederate government. The Government was not formed by the governments of the component States, nor by the majority of the people of the United

States as a single community. It was formed *by* the States, that is, the people in each of the States acting in their highest sovereign capacity, and formed consequently by the same authority which formed the State constitutions. The Constitution was derived from the same source as the several constitutions of the States and had the same authority within each State as the State constitution, with this essential difference that, being a compact between the States, and for certain purposes constituting the people thereof into one people, it “cannot be altered or annulled at the will of the States individually as the constitution of a State may be.” Madison denied that nullification was a proper method of settling controversies between two constitutional governments, one of which operated in all the States while the other operated separately in each. To protect the States against usurpation and abuses on the part of the United States, the final resort was an amendment to the Constitution; but, if every constitutional resort failed and the Government still continued its usurpation and abuses, the last appeal was to “original rights and the law of self preservation.”\*

While the Senators were engaged in their wrangle over Foot's resolution, a similar scene was taking place in

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\* Sumner, *Life of Jackson*, p. 156; Parton, *Life of Jackson*, vol. iii., p. 283. Regarding the phrasology of the toast see note in Buell, *History of Andrew Jackson*, vol. ii., p. 241.

† Hunt, *Life of Calhoun*, p. 112; Brady, *The True Andrew Jackson*, pp. 321-328; Houston, *Nullification in South Carolina*, p. 97.

‡ McMaster, vol. vi., p. 33.

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\* The entire letter will be found in volume iv. of this History, pp. 397-402. See also his letter of October 16, in *Niles' Register*, vol. xxxix., pp. 126-128.

the House. On December 17, 1831, a motion was introduced to instruct the Committee on Public Lands to inquire into the expediency of distributing the net annual proceeds from the sales of public lands among the States to be used for educational purposes and internal improvements.\* A long debate followed in which the South and West were arrayed against the East and during which threats of secession were openly made.† A bill to construct a National road from Buffalo to New Orleans was also assailed in the same spirit.‡ It was argued that such a highway would more closely unite the Union, expedite the transportation of mail, make more easy communication between western New York, Pennsylvania, Maryland, Virginia and the Western States, and be of inestimable value to the Government in case of war, as troops and munitions of war could be more easily transported to exposed points on the northern frontier. The opponents of the measure said that no money ought to be expended on internal improvements until the National debt had been paid.

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\* *Register of Debates*, vol. vi., pt. i., p. 477; Benton, *Abridgment*, vol. x., p. 583. The report of the committee is in *Niles' Register*, vol. xxxviii., pp. 129-132.

† See *Register*, vol. vi., pt. i., pp. 484-487, 489-492, 494-497, 500-506, 511-530, 537-540, 626; Benton, *Abridgment*, vol. x., pp. 592-598, 601-607, 613-625, 634-635.

‡ See *Register*, vol. vi., pt. i., pp. 637-664 and pt. ii., pp. 665, 668-682, 688-700, 705-718, 723-734, 739-745, 760-774, 776-790; Benton, *Abridgment*, vol. x., pp. 689-695, 699-709, 713-715, 719-726, and vol. xi., pp. 6-21, 38-48.

They said that if then a surplus remained over the expenditures of the Government for necessary purposes, it should be distributed among the States and not spent by the general government for purposes which would consolidate its powers and injure the reserved rights of the States. It was asked whether the Government would assume jurisdiction over the road and punish offences committed on it. Must a system of excessive taxation be entered for having internal improvements made to get rid of the surplus this created? A member from New York said that though the bill was ostensibly to construct a road from Buffalo, by way of Washington, to New Orleans, it should be entitled, "A bill to construct a road over the liberties of the country, by way of Washington, to despotism." Lee, of Tennessee, said that he considered the bill as a complete subversion of State authority and as the most daring attempt upon State jurisdiction ever before a Congress. To pass it would involve a direct collision with some of the States of the Union. The outcome of the matter was that on April 14, 1830, the bill was rejected by a vote of 105 to 88.\*

Another bill authorizing the Government to subscribe to the stock of the Maysville and Lexington turnpike met with a better fate. It passed both

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\* McMaster (vol. vi., p. 37) gives the vote as 111 to 78, but this was on the question of adjournment.

the House and Senate,\* but was vetoed by the President on May 27, 1830, when he sent a long message to the House setting forth his views on State rights.†

After passing the last-mentioned bill, the House entered into a long sectional wrangle over the tariff. There had been a contest in the House over the reference of that part of the President's message relating to the tariff, but after it had been referred to the Committee on Manufactures, Mr. Mallary, the chairman, on January 5, 1830, reported adversely to any change.‡ It was said that protection had been adopted as the permanent policy of the country and that any attempt to modify the tariff would result in unnecessary business disturbance. The free-traders were not to be balked so easily. On January 25, 1830, the Senate Finance Committee reported a bill reducing duties generally, but this bill was never discussed.¶ On February 5 McDuffie reported to the House a bill from the Committee of Ways and Means,§ but after a short debate the bill was re-

jected by a vote of 107 to 79.\* Meanwhile, on January 27, Mallary reported from the Committee on Manufactures a bill the purpose of which was to prevent further fraudulent invoices of imported woolen goods.† Not until April 15, however, was the subject discussed and even then, after Mallary had made an explanatory speech,‡ it went over until the 26th, when McDuffie moved an amendment intended to repeal the tariff laws of 1824 and 1828, so far as they related to wool and woolen goods, iron in bars or plates, hemp, flax, cotton bagging, indigo, molasses and cotton, thus reducing the duties to the rates imposed by the act of 1816.¶ Thereupon a tedious and fruitless debate ensued. McDuffie made a fiery speech in support of his amendment, much of what he said about inequality, injustice, oppression, etc., being familiar to the members of Congress. But as he went on with his discourse, he burst forth, time and again, into bitter attacks on the States and the men of the North, in the course of his remarks saying:

"I ask you then, sir, in the name of the Constitution, and of the principles of eternal justice, what right has Congress—what right can any human government possess—to destroy the interest of one entire section of this confederacy, to promote the interest of other sections? What

\* *Register of Debates*, vol. vi., pt. i., pp. 433-435, and pt. ii., pp. 820-822, 827-842; Benton, *Abridgment*, vol. x., pp. 567-570, and vol. xi., pp. 61-68.

† Richardson, *Messages and Papers*, vol. ii., pp. 483-493; *Register of Debates*, vol. vi., pt. ii., app., pp. 133-142. See also Dewey, *Financial History*, p. 215; Sumner, *Life of Jackson*, p. 193; *Niles' Register*, vol. xxxviii., p. 269, 271-275, 308-315.

‡ *Niles' Register*, vol. xxxvii., p. 335.

¶ *Ibid.*, pp. 388-389.

§ *Ibid.*, p. 420.

\* *Register of Debates*, vol. vi., pt. i., pp. 555-556.

† *Niles' Register*, pp. 402-403.

‡ For which see *Register of Debates*, vol. vi., pt. ii., pp. 795-802; Benton, *Abridgment*, vol. xi., pp. 44-54.

¶ *Register of Debates*, pp. 819-820; Stanwood, *Tariff Controversies*, vol. i., pp. 361-362.



right have you—I put the question to the majority of this House in the name of the people of the Southern States—what right have you to lay your hands on our property—upon that which is ours the highest of all earthly titles,

\* \* \* and arbitrarily appropriate it to your own use, or to that of your constituents? No freak of tyranny ever committed by an absolute despot can exceed this outrage upon the principles of natural justice, which you are perpetrating under the perverted powers and prostituted forms of a free government.

“The Southern States, actuated by that uncalculating patriotism for which they have always been distinguished, have submitted without a single murmur, to a system of taxation which has drawn from the productions of their industry at least double the amount of their just contribution to the Federal treasury. But, sir, when they find an interested majority, \* \* \* confident in the strength of numbers, openly and boldly avowing the unjust, and, I had almost said, nefarious and piratical purpose of sweeping from the face of the ocean a lawful branch of trade which almost exclusively belongs to the people of these States, it is time for them to rise up in the majesty of their rights and demand, in the name of the principles of eternal justice and of constitutional liberty, ‘by what authority do you commit this monstrous outrage?’”\*

Blair, of South Carolina, said:

“If South Carolina cannot remain in the confederacy on fair, equitable, and constitutional terms, if, finally, she has no alternative but to adopt such measures as may eventuate in her separation from the great American family, or become a slave, she is disposed to leave you in peace, and she will leave you with best wishes for your happiness and independence.”†

Martindale, however, said the charge of base intent imputed by the gentleman from South Carolina was false. He said that if they would prove the injury, secession would be allowed and the State might go in peace, but he denied that the State

was oppressed and asserted that there was not the least semblance of truth in the charge.\* Thus, day after day, the speeches continued, quite devoid of fresh arguments and novel illustrations. Finally, on May 11, by a vote of 112 to 62, McDuffie’s amendment was rejected by the Committee of the Whole,† whereupon Buchanan offered a substitute, prepared by Mallory and the Secretary of the Treasury, which was adopted.‡ Five other amendments were then adopted, one making the duty on manufactured iron the same as upon bar iron and the other granting a drawback (the duty paid in excess of 25 per cent.) on iron imported for use in constructing railroads. The bill was then reported to the House, whereupon McDuffie immediately renewed his amendment in three sections. By a vote of 120 to 68 the first, restoring the 1816 duties on manufactures of wool, was rejected; and the second, restoring the 1816 rates on iron, cotton goods, hemp, flax, molasses, etc., suffered the same fate; but the third, fixing the salt duty at 15 cents a bushel, to be reduced to 10 cents after 1831, was adopted by a vote of 105 to 83.||

This was a disappointment to the protectionists and in retaliation a motion was introduced to reconsider the

\* *Register of Debates*, pp. 945-952.

† *Ibid*, p. 964.

‡ *Niles’ Register*, vol. xxxviii., pp. 226-227.

|| *Register of Debates*, p. 965; *Stanwood, Tariff Controversies*, vol. i., pp. 362-363.

\* *Register of Debates*, vol. vi., pt. ii., pp. 852-854.

† *Ibid*, pp. 870-872.

whole subject. Another motion was made to reconsider the reduction of the salt duty, and when the motion had been carried by a vote of 102 to 97, the amendment was rejected by a majority of 4 (102 to 98).<sup>\*</sup> To the bill itself there was little objection and it was passed on May 13 by a vote of 127 to 40, the opposition coming chiefly from the South.<sup>†</sup> The Senate amended and passed it on May 18 (28 to 14) and on May 28 the President approved it. Save for the provisions relating to iron above-mentioned, it made no change in the tariff and was purely an administrative measure.<sup>‡</sup>

Nevertheless some noteworthy tariff legislation was made during this session. The duty on tea was reduced 50 per cent. in most cases and in some more than that; and the duty on coffee was reduced from 5 cents to 2 cents, but after 1831 it was to be 1 cent a pound. Cocoa was reduced from 2 cents to 1 cent a pound.<sup>||</sup> There was as little opposition to these measures as there was to an act reducing the duty on molasses from 10 cents to 5 cents per gallon, but there was a long wrangle over the attempts to reduce the salt duty. On May 18 the Com-

mittee of Ways and Means brought in a bill to reduce the salt duty from 20 cents per bushel of 56 pounds to 15 cents during 1831, and after that to 10 cents. After a motion to reject the bill had been defeated on May 19<sup>\*</sup> by a vote of 103 to 85, the bill was passed on May 27 by a vote of 105 to 83<sup>†</sup> and sent to the Senate, where in less than 24 hours after its receipt it was passed by a vote of 24 to 15.<sup>‡</sup>

In the meantime that portion of the President's message relating to the banks had been referred to the Committee of Ways and Means. As already stated, Jackson's movement in this respect had come rather as a surprise, since the charter of the bank still had seven years to run and another application had been made for its renewal. It was difficult to perceive why Congress should act at this time, but, as the President had spoken of it in his message, the supporters of the Administration could not well pass over the subject in silence. Accordingly, on April 13, 1830, the Committee of Ways and Means made an elaborate report through McDuffie, their chairman, taking ground against the President, claiming that the bank had faithfully performed its duties, that it was essential to the management of the National finances, etc.<sup>||</sup>

<sup>\*</sup> *Register of Debates*, vol. vi., pt. ii., pp. 966-976; Benton, *Abridgment*, vol. xi., pp. 73-87.

<sup>†</sup> *Register of Debates*, vol. vi., pt. ii., p. 987.

<sup>‡</sup> Stanwood, *Tariff Controversies*, vol. i., p. 364; Bishop, *History of Manufactures*, vol. ii., pp. 342-343.

<sup>||</sup> For the debate in the Senate, see *Register of Debates*, vol. vi., pt. i., pp. 428-432; Benton, *Abridgment*, vol. x., pp. 561-566; in the House, *Register*, pt. ii., pp. 803-807; for text, *Register*, pt. ii., app., p. xxiii.

<sup>\*</sup> *Register of Debates*, p. 1049.

<sup>†</sup> *Ibid*, p. 1139.

<sup>‡</sup> Stanwood, *Tariff Controversies*, vol. i., pp. 364-365.

<sup>||</sup> *Niles' Register*, vol. xxxviii., pp. 183-200; *House Report*, 358; *Register of Debates*, vol. vi., pt. ii., app., pp. 104-133.

Jackson had suggested a Government National Bank, to be furnished with capital from the Treasury, but the report declared that it could hardly furnish a currency without branches; whilst "with branches it would be still more objectionable, as it invested the Federal government with patronage of the most extensive influence, and embracing the control of all the bank accommodations to the standing amount of \$50,000,000. Such a control would introduce more corruption in the Government than all the patronage now belonging to it. It was a desperate official experiment without parallel in the history of the world." The points in favor of the expediency of the bank constituted practically a currency argument. The committee stated that the dispute was not between paper and metallic currency, but between a National paper currency and a local paper currency. Under the Constitution, Congress could not forbid the issue of paper money by State banks. Hence the local bank notes would circulate, and it was not worth while to discuss the superior advantage of a specie currency. But, the committee asked, would it not be better to have a staple currency which by virtue of its uniformity of value would prevent local bank-notes from circulating far from the place of is-

sue? The committee was convinced that the United States Bank by its notes did actually furnish such a circulating medium, more satisfactory even than specie. Again, the bank had punctually observed its obligation to transfer free of expense the funds of the Government to any point desired.\* On May 10 Potter, of North Carolina, introduced resolutions against paper money and the Bank, and against the renewal of the charter, but these were laid on the table by a vote of 89 to 66.† On May 26 Wayne, of Georgia, introduced resolutions requesting the Secretary of the Treasury to submit a variety of information about the conduct and business of the Bank, but on the 29th these were disagreed to by a vote of 95 to 67.‡ In the Senate, on March 29, Smith, of Maryland, on behalf of the Committee on Finance, submitted a report taking issue with the suggestions of the President and protesting against any change in the currency.§ The matter was then dropped for some time.§

\* Dewey, *Financial History*, pp. 200-201.

† *Register of Debates*, vol. vi., pt. ii., pp. 921-922.

‡ Sumner, *Life of Jackson*, p. 247.

§ *Senate Report*, 104; *Niles' Register*, vol. xxxviii., p. 126; *Register of Debates*, vol. vi., pt. ii., app., pp. 98-104.

§ See also Bolles, *Financial History of the United States*, vol. ii., pp. 317-358; *Memoirs of J. Q. Adams*, vols. viii.-ix., *passim*.



## CHAPTER II.

1820-1831.

## THE DISPUTE OVER INDIAN TERRITORY IN THE SOUTH.

Complaints of the Indians against Georgia — Secretary Eaton's reply — Attempts of the Cherokee chiefs to prevent removal — Seizure of the Cherokee lands by Georgia, Alabama and Mississippi — Passage of bill by Congress authorizing the removal of the Indians — Seizure of the gold miners — The Supreme Court argument and the case of Corn Tassel — Arrest and imprisonment of the missionaries — Decision of the Superior Court and the subsequent pardon of the missionaries — Final removal of the Indians to the West.

Meanwhile another important problem had come up before the Administration for solution. In 1828 Georgia had extended her laws over the Cherokee lands, and in the last days of Adams' term a delegation from the Cherokee nation arrived in Washington to make an appeal to the outgoing President. In addition to the complaint that Georgia had spread her laws over the Cherokee lands, the Indians contended that the State had decreed all laws and usages in force in the Indian country to be null and void after June 1, 1830, with the result that no Indian or descendant of an Indian could testify in a suit to which a white man was a party unless the latter lived with the Indian tribes. Hence the recent act of Georgia was usurpation of power on her part. It was too late for President Adams to act, and not until Secretary of War Eaton, of the succeeding administration, had been in office a month was the complaint answered. On April 18, 1829, the Secretary replied that the Indians had been suffered to dwell on the land because of compacts be-

tween the States and the Indians, but that this was no ground to deny the right of the State to exercise its sovereignty. In 1802, when Georgia assumed her present limits and ceded her Western territory, the title of the Indians to the lands within the boundaries of Georgia was to be extinguished by the United States as soon as it could be peaceably done and on as reasonable terms as possible. Georgia did not ask that the military force of the Union be employed to drive the Indians away, but simply that the soil be acquired by peaceable means. The Indians had tried the patience of Georgia by establishing an independent government without that State's consent, and it therefore became necessary to extend the Georgia laws over the entire country. This she had a right to do without the authority of the National government, for it was well established that the latter would never use force to prevent any State from exercising those powers which belonged to her as a sovereign, and interference between Georgia and the Indians was not

within the range of powers granted by the State to the Federal government. The Secretary said that there was but one remedy—removal beyond the Mississippi. So long as the Indians remained in Georgia, they must yield to her laws, but if they moved as stated, they would come under Government protection. Much the same advice was given to the Creeks, and it was apparent that the Administration would follow a policy of transferring the Indians to the far West, in the meanwhile leaving them under the control of the States in which they dwelt.\*

The Cherokee chiefs took steps to prevent their people from moving, even voluntarily, by ordering that those enrolling for migration to Arkansas should be deprived of citizenship and allowed fifteen days in which to quit the territory; that a heavy fine and whipping should be the punishment for any Indian who sold his improvements to an emigrant in order that they might be valued by an agent of the United States; and by ordaining that the death penalty should be inflicted on any who were convicted of entering into a treaty with the United States to sell a part of the National land without the consent of the tribal council.† Governor Forsyth, in his message of November 4, 1828, said the State should no longer delay

the extension of her laws over the Cherokee territory.\* The legislature responded by seizing the Cherokee country, cutting it into pieces which were annexed to her western counties, and declaring the ordinances of the Cherokees to be null and void; by spreading her own laws over the territory; by forbidding migration and the sale of land under penalty of imprisonment for a long term.‡ The law was to go into effect on June 1, 1830. In 1829 Alabama and, in 1830, Mississippi followed the example set by Georgia, splitting up the Indian territory within their boundaries and bringing it under their State laws.‡

The Cherokees appealed to the President, public sympathy was aroused in the North and East, and resolutions and petitions were sent to Congress calling for action by that body. A bill was introduced in the Senate on April 6, 1830, authorizing the President to select a tract of land west of the Mississippi, but not within the limits of any State or organized territory, which should be appropriated to the use of such Indian tribes as might be willing to move there, and an appropriation of \$500,000 was suggested for carrying these provisions into effect. The opponents of the measure argued that, the purpose of the bill being unjust to the Indians and a stain upon the country's honor,

\* *Niles' Register*, vol. xxxvi., pp. 258-259. See also MacDonald, *Jacksonian Democracy*, pp. 170-171.

† *Niles' Register*, vol. xxxvii., p. 94.

\* *Ibid*, vol. xxxv., p. 222.

† Law of December 19, 1829; *ibid*, vol. xxxviii., pp. 54-56.

‡ *Ibid*, p. 73; Sumner, *Life of Jackson*, p. 180; Schouler, *United States*, vol. iii., p. 482.

the Government must either resist the imperious demands of Georgia or abandon its treaties and laws. The advocates of the measure claimed that there were scarcely any new and no radical provisions in the bill, for the Indians themselves had begun the migration and the policy had been approved by the Government for many years. Arguments of this nature were passed back and forth until April 24, when the resolution was passed in the Senate by a vote of 28 to 19 and was sent to the House.\* That body amended and passed it on May 26 by a vote of 103 to 97.† The Senate concurred in the amendments on May 26,‡ four days later Congress adjourned, and on June 1 the laws of Georgia went into force in the Cherokee country.||

Meanwhile, during the summer of 1829, gold had been discovered in the northeastern part of the State on land owned by the Cherokees. Gold seekers rushed to the region, and by the summer of 1830 it was reported that 3,000 men were digging at the mines.§ Congress had passed an act forbid-

ding anyone to settle or trade in the Indian territory without a license from the National Government, and as the gold seekers were illegally intruding, nine of them were seized by United States authorities and in June of 1830 were brought before Judge A. S. Clayton, of Georgia.\* They were promptly discharged and the judge complained to the governor of the action of the Federal authorities.† He accounted it a disgrace that citizens of the State should be guarded by troops and paraded through the streets for no other crime than trading on the soil of their own State, and indignantly asserted that such an exercise of power by the general government within the jurisdiction of the State was, to say the least, humiliating. He therefore urged that the governor request the President to withdraw the Federal troops, and in due time this was done. The duty of driving out the intruders and preserving order in the Indian country now fell upon Georgia, and a special session of the legislature was called to enact laws with that object in view.‡ A law was passed providing that the Cherokee council or legislative body could not meet unless to cede land, nor could a Cherokee judge hold a court under penalty of imprisonment for four years. Any white man found in

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\* For the debate in the Senate see *Register of Debates*, vol. vi., pt. i., pp. 305, 307, 309-320, 325-339, 343-357, 359-367, 374-377, 380-383; Benton, *Abridgment*, vol. x., pp. 519-526, 532-535, 538-541, 544-546.

† *Register of Debates*, vol. vi., pt. ii., pp. 993-1120, 1122-1136; Benton, *Abridgment*, vol. xi., pp. 94-105.

‡ *Register of Debates*, vol. vi., pt. i., p. 456.

|| McMaster, vol. vi., pp. 42-45. For Governor Gilmer's proclamation see *Niles' Register*, vol. xxxviii., pp. 328-329. For text of bill see *United States Statutes-at-Large*, vol. iv., p. 411.

§ Phillips, *Georgia and State Rights*, p. 72.

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\* *Niles' Register*, vol. xxxviii., p. 356.

† Regarding this see also Clayton's charge to the grand jury, in *Niles' Register*, xxxix., pp. 99-101.

‡ The proclamation is in *Niles' Register*, vol. xxxix., p. 106.



the Indian country after March 31, 1831, without a license from the State would be subject to the same penalty.\*

Meanwhile the Cherokees had retained William Wirt to look after their interests, and were advised that the Georgia law was unconstitutional.† The Cherokees, therefore, requested Wirt to secure from the Supreme Court, if possible, an injunction restraining Georgia from executing the obnoxious laws within their territory. The matter was decided in a rather unexpected manner. An Indian, named Corn Tassel, had killed a fellow Cherokee, was arrested, tried, convicted and sentenced in the superior court of Hall County. A writ was sworn out in the Supreme Court directing the State of Georgia to show cause why the sentence against Corn Tassel should not be corrected.‡ This angered the governor, who declared, when submitting the writ to the legislature, that he would resist any attempt to execute it, saying: "If the judicial powers thus attempted to be exercised by the courts of the United States be submitted to, or sustained, it must eventuate in the utter annihilation of the State governments."|| The legislature replied that the action of the chief justice was a flagrant violation of Georgia's rights; that they

would never compromise the sovereignty of the State by becoming a party to the case, and that the governor should acquaint the sheriff of Hall County with these resolutions, so that the execution of the law would be ensured in the case of Corn Tassel.\* This injunction was strictly obeyed, the writ was ignored, and on the appointed day (December 28, 1830) Corn Tassel was hung.†

March 5, 1831, had been set for the hearing of the case—the Cherokee Nation *vs.* Georgia, but the argument was made a week later. Georgia sent no counsel, but the Indians were represented by William Wirt and John Sargeant. The counsel for the Indians filed a supplementary bill citing those acts of Georgia not detailed in their first bill, which were claimed to be contrary to law. They asserted that Georgia had denied the jurisdiction of the Supreme Court in the case of Corn Tassel, had enacted a law for surveying the Cherokee lands, had forbidden white persons to live within the bounds of the Cherokee country, had authorized the governor to take possession of the gold and silver mines in the Indian country, and had commanded him to enforce the laws, which he was now doing. They stated that the Cherokee nation was a foreign nation and competent to sue in

\* *Niles' Register*, vol. xxxix., p. 229.

† For Wirt's opinion see *Niles' Register*, vol. xxxix., pp. 81–88.

‡ Von Holst, *Constitutional and Political History*, vol. i., p. 454; Schouler, *United States*, vol. iii., p. 482.

|| *Niles' Register*, vol. xxxix., p. 338.

\* *Niles' Register*, vol. xxxix., p. 338.

† *Ibid.*, p. 553; Sumner, *Life of Jackson*, pp. 180–181; McMaster, vol. vi., pp. 46–47. Sumner gives the Indian's name of George Tassel. Von Holst says George Tassells.

the Supreme Court, and that they had made out such a case as would warrant the Court in granting them relief.\* The Court, however, took a different view of the matter. Justice Marshall said:

"It may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can with strict courtesy be denominated foreign nations. They may more correctly propose to be denominated domestic, dependent nations. \* \* \* Their relation to the United States resembles that of a ward to his guardian. \* \* \* The court has bestowed its best attention on this occasion, and, after mature deliberation, the majority is of the opinion that the Indian tribe or nation within the United States is not a foreign State in the sense of the Constitution, and cannot maintain an action in the courts of the United States."†

The injunction was therefore refused, and Georgia had the Cherokees completely at her mercy. The act passed by Georgia on December 22, 1830, provided that after March 1, 1831, all white persons living in the Cherokee country must obtain a license and take the oath of allegiance to Georgia‡ or be imprisoned at hard labor for four years. Numbers of persons remained, however, and were promptly arrested by the Georgia troops,|| but a writ of *habeas corpus* was sued out directing the commander of the Georgia troops to show cause for their arrest and detention. The case was tried in March of 1831 before the Gwinette superior court.

Counsel for the defence argued that the law was repugnant to both the National and State constitutions — to the former because no State could pass an *ex post facto* law; because the citizens of each State were entitled to all the privileges and immunities of the citizens of the several States; because without the consent of Congress no State might maintain troops in times of peace; and because the people possessed the right of security in their persons, houses, papers, and effects from unreasonable searches and seizures. The law was contrary to the State constitution, because it required a test oath. The judge overruled each objection, however, and four of the prisoners were held; but two were afterwards discharged because of their being missionaries and one of them also a postmaster, which made them authorized agents of the United States to whom the law did not apply.\*

The governor of the State was much incensed by the decision of the judge, but his anger was appeased when the Federal authorities came to his aid by removing the postmaster and by stating that missionaries employed among the Cherokees by the American Board of Foreign Missions were not agents of the United States. In May of 1831, therefore, the two who had been released were ordered to quit the Cherokee country within ten

\* For Wirt's argument see *Niles' Register*, vol. xxxix., pp. 81-88, vol. xl., pp. 67-68.

† Peters, *Supreme Court Reports*, vol. v., pp. 1-80. See also *Niles' Register*, vol. xl., pp. 156-157.

‡ Sumner, *Life of Jackson*, p. 181.

|| *Niles' Register*, vol. xl., pp. 95-96.

\* McMaster, vol. vi., p. 49. For the opinion of the court see *Niles' Register*, vol. xl., pp. 244-248.

days. The wife of one, however, was an invalid and it was impossible for him to obey. This not being considered an excuse, he was again arrested and, in company with another prisoner, was confined in jail. Nine others who hastened to their assistance were arrested also, and the trial of the eleven men was heard before Judge Clayton and a jury. Counsel for the defence declared the law unconstitutional, but the judge dissented and bade the jury consider nothing but the guilt or innocence of the prisoners under the law as it existed. Hence the jury could render only a verdict of guilty, and a sentence of four years' imprisonment was imposed.\* Having vindicated the majesty of the law, the governor sought to mitigate the severity of the sentence by offering to pardon the eleven men convicted, if they would give assurance never again to violate the law. Nine of the prisoners did so, but two flatly refused and went to the penitentiary. These two then appealed to the United States Supreme Court and once more Georgia was summoned to appear, but she failed to do so. This time, however, the decision was against her, for the Court,

in March of 1832, declared her law of December 22, 1830, to be unconstitutional, and the State court was directed to reverse its judgment and free the prisoners.\* This the Georgia judge refused to do,† though after a little more than a year of confinement the prisoners were pardoned.‡

The fate of the Cherokees was now sealed. The nation was split in twain by rival factions, those who were willing to migrate being led by John Ringe, while those who determined to stay were led by John Ross. Finally, in 1835, a treaty was made with the Ringe party by which the remaining Cherokee country was ceded, in return for which the Indians received \$5,000,000 and a tract of land beyond the Mississippi.¶ The Ross faction still refused to go, but in May of 1838, General Scott appeared and directed the Indians to be ready within a month. In December of that year the last of the Cherokees began their march for Indian territory.§

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\* Von Holst, *Constitutional and Political History*, vol. i., p. 457; *Niles' Register*, vol. xlii., pp. 24, 40-56. For the decision see Peters, *Supreme Court Reports*, vol. vi., pp. 521-579.

† *Niles' Register*, vol. xlii., p. 78.

‡ Sumner, *Life of Jackson*, p. 182; *Niles' Register*, xliv., pp. 359-360.

¶ MacDonald, *Jacksonian Democracy*, p. 179.

§ McMaster, vol. vi., pp. 48-51; Sumner, *Life of Jackson*, pp. 182-183.

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\* Sumner, *Life of Jackson*, pp. 181-182; *Niles' Register*, vol. xli., pp. 174-176.



## CHAPTER III.

1830-1832.

## NULLIFICATION, THE TARIFF AND THE BANK.

Drayton's and Hayne's nullification speeches — Action of the South Carolina legislature — The attitude of other States — Jackson's message to Congress of December 6, 1830 — Inaction of that body — Judge Peck's impeachment — Jackson's letter on nullification — His message of December 6, 1831 — The tariff of 1832 — Jackson's veto of the bank charter — Failure of Congress to pass the measure.

When Congress adjourned in the summer of 1830 the members departed for their homes to engage in the coming election of representatives for the Twenty-Second Congress. Public dinners were given to candidates or distinguished men at which topics of the hour were discussed in toasts and speeches. The most noteworthy of these dinners was given to Robert Y. Hayne and William Drayton at Charleston. The latter was opposed to the tariff and to internal improvements, but could not be ranked as a nullifier, for he had stated that, with the exception of the tariff, nothing was more to be deplored than the separation of South Carolina from the Union. He said he could see no great difference "between the abrogation of a law of Congress by a State and the withdrawal of that State from the Union."\*

"I am not an advocate of passive obedience and non-resistance. \* \* \* A crisis might arise when the bonds of the union ought to be broken. The right of the State to secede from the union, I unqualifiedly concede; but so long as she belongs to it, if she be not bound by its laws, the monstrous anomalies would exist of

a government whose acts were not obligatory upon its citizens and of a state constituting one of the members of the union whilst denying the authority of its laws. \* \* \* I would not recommend silence and inactivity amidst the wrongs with which we are afflicted. \* \* \* What can constitutionally be done by the legislature ought to be done by it [but] should the law we complain of remain unrepealed upon our statute book, we should then enquire whether a recurrence to the remedy \* \* \* would not be worse than the malady which it professes to cure. \* \* \* For my own part, I feel no hesitation in avowing that I should regard the separation of South Carolina from the union as incalculably more to be deplored than the existence of the law which we condemn."\*

Hayne was troubled by no such scruples. He re-asserted the doctrines expressed by him on the floor of Congress and said that in case of a palpable, deliberate, and dangerous abuse of power by the Federal government contrary to the terms of the compact between the States, the States had the right to interfere to arrest the progress of the evil. It was simply necessary to decide upon the mode of redress to be adopted, if a case arose to justify the application of his principles.†

\* The entire speech is in *Niles' Register*, vol. xxxviii., pp. 375-376.

† *Ibid*, pp. 376-380.

\* Hunt, *Life of Calhoun*, p. 139.

When the election drew near, the question of the expediency of secession seemed to be uppermost in the discussions by the candidates. The right to quit the Union and the necessity of doing so were much debated by the voters. It was said that if the people of the State would annul the tariff laws and declare the Union dissolved, unless the tariff was repealed before March 1, 1831, or at least reduced to the rates of 1816, the system of robbery and oppression would at once be stopped. There was no question as to her right to secede, and the only question was whether the oppressions heaped upon her were sufficient to justify such a step.\* A meeting of citizens at Columbia urged that a State convention be held to take the matter under consideration.†

It required a two-thirds vote in each branch of the legislature to call a convention. At the election the nullifiers sent 11 out of 16 candidates to the legislature,‡ but before the legislature met, it was decided to force Jackson to take his stand upon one side or the other. Joel R. Poinsett undertook to persuade the President to declare himself and prepared two letters with this object in view. One of these was sent on October 23, 1830, directly to the President, while the other was sent to a gentleman in Baltimore, who, as requested, sent it to another friend, who forwarded it to

Jackson as a "copy of a letter from a gentleman in Charleston." On the 26th, Jackson, in answering these letters, said that he supposed everyone knew that he was opposed to nullification, and that his toast at the Jefferson dinner was sufficient evidence of this fact. Poinsett and his friends therefore awaited the approaching session of the legislature with many misgivings. The nullifiers began the attack by refusing to reelect William Smith to the United States Senate, because he had opposed the calling of the convention.\* The State Senate Committee on Federal Relations reported a bill stating that the Federal Government had assumed and exercised powers not granted by the Constitution; that the legislature of the State had several times declared these laws to be an infringement on the rights of the States; and that it was the duty of the people to assemble in the State convention to determine upon the best manner of redress. The corresponding committee of the House found that the tariff acts were highly dangerous and oppressive violations of the Constitutional compact, and as no further redress of grievances could be expected, the people should assemble to deliberate on these matters. In the Senate, however, the anti-nullifiers succeeded in defeating the bill calling for the convention,† but a set of resolutions, com-

\* *Niles' Register*, vol. xxxviii., p. 387.

† *Ibid.*, vol. xxxix., pp. 3, 98.

‡ *Ibid.*, p. 138.

\* *Niles' Register*, pp. 233, 243-248, 250.

† Jervcy, *Robert Y. Hayne and His Times*, pp. 284-285.

piled from the Kentucky Resolutions of 1798, was then taken up, passed, and sent to the House, which likewise passed them.\* Meanwhile the people began to make themselves heard. At Georgetown, South Carolina, the opinion was expressed that further forbearance might imply submission and that a bold front should be displayed toward the Federal Government.† On the other hand, the anti-nullifiers of Charleston said that the attempt to call a convention was the first movement in the general campaign toward nullifying the tariff laws, and that the nullification of a law of the United States by a single State was a revolutionary act.‡ The Georgia Assembly, though expressing its opposition to disunion, stated that the tariff of 1828 was unjust to the South and ought to be modified,|| and the South Carolina House late in December of 1830 adopted a similar resolution.§ The governor of Alabama urged the legislature to add nothing to the present excitement, but to appeal to Congress to redress their wrongs.¶

\* Houston, *Nullification in South Carolina*, p. 98; *Niles' Register*, vol. xxxix., p. 330.

† *Niles' Register*, vol. xxxix., p. 330.

‡ *Ibid.*

|| *Ibid.*, p. 340.

§ *Ibid.*, pp. 423-424.

¶ McMaster, vol. vi., pp. 55-56; Sumner, *Life of Jackson*, p. 218. Clay did not believe there was any reason to apprehend "the execution of these empty threats. The good sense, the patriotism, and the high character of the people of South Carolina are sure guarantee for repressing without aid any disorders, should any be attempted" within her limits. \* \* \* Rebuked by public

On December 6, 1830, the second session of the Twenty-first Congress convened, President Jackson sending his message the next day.\* He reviewed the foreign relations at length, gave elaborate reasons for vetoing the lighthouse bill and the appropriation for the Louisville and Portland Canal, made an appeal for a law providing for the distribution of the surplus revenue when the National debt was extinguished, called attention also to the necessity of amending the Constitution in relation to the election of the President and Vice-President, urged that the tenure of office be limited to one term, made an attack on the bank and called for the revision of the tariff. He said that the effects of the existing law were doubtless overrated, both in its evils and its advantages. Regarding the bank, he spoke as follows:

"It is thought practicable to organize such a bank, with the necessary officers, as a branch of the Treasury Department, based on the public and individual deposits, without power to make loans or purchase property, which shall remit the funds of the Government, and the expense of which may be paid, if thought advisable, by allowing its officers to sell bills of exchange to private individuals at a moderate premium. Not being a corporate body, having no stockholders, debtors, or property, and but few officers,

opinion — a sufficient corrective — and condemned by their own sober reflections, the treasonable purpose will be relinquished, if it were ever seriously contemplated by any." — Colton, *Private Correspondence of Henry Clay*, vol. v., p. 360 *et seq.* See also Clay, *Life of Clay*, pp. 182-183.

\* For the entire text see Richardson, *Messages and Papers*, vol. ii., 500-529; *Niles' Register*, vol. xxxix., pp. 253-262; *Register of Debates*, vol. vii., app., pp. ii-xiii; Benton, *Abridgment*, vol. xi., pp. 109-122.



it would not be obnoxious to the constitutional objections which are urged against the present bank; and having no means to operate on the hopes, fears, or interests, of large masses of the community, it would be shorn of the influence which makes that bank formidable. The States would be strengthened by having in their hands the means of furnishing the local paper currency through their own banks; while the Bank of the United States, though issuing no paper, would check the issues of the State banks by taking their notes in deposite, and for exchange, only so long as they continue to be redeemed with specie. In times of public emergency, the capacities of such an institution might be enlarged by legislative provisions.”\*

The measures suggested by the President as being of utmost importance found little favor in Congress. A bill reducing the duty on certain articles was introduced by the Committee on Ways and Means, but was refused consideration,† and a like fate met other bills instructing the same committee to inquire into the expediency of removing the duty on imported sugar‡ and instructing the committee to report a bill reducing duties on imports to a revenue basis when the national debt was extinguished.¶ A joint resolution was introduced on December 29 to amend the Constitution regarding the ineligibility of the President for a second term, but it was tabled and never

heard of more.\* On February 2, 1831, when Benton asked permission to introduce a resolution to the effect that the charter of the bank should not be renewed, the Senate refused without debate, the vote being 20 to 23.†

Jackson's supporters next turned their attention to what they considered an engine of oppression—the Federal judiciary. A motion was introduced in the House to instruct the Committee on the Judiciary to inquire into the expediency of amending the Constitution so that judges of the Supreme and lower courts should hold their offices for a term of years, but this motion was refused consideration by a large majority. On January 24, however, the committee introduced a bill to repeal the twenty-fifth section of the Judiciary Act of September 4, 1789, which provided that certain cases might be taken on appeal from the State courts to the Supreme Court by writ of error.§ This subject received considerable attention from the State-righters, but finally on January 29, 1831, the bill was rejected by a vote of 138 to 59.¶

Another expression of the feeling

\* *Register of Debates*, vol. vii., pp. 23, 379.

† *Ibid.* vol. vii., pp. 46-78; Benton, *Abridgment*, vol. xi., pp. 143-162, and *Thirty Years' View*, vol. i., chap. lvi.

‡ *Register of Debates*, vol. vii., p. 531; for the reports see *ibid.* app., pp. lxxvii-lxxxvi, and *Niles' Register*, vol. xxxix., pp. 412-421.

¶ *McMaster*, vol. vi., pp. 58-61; Sumner, *Life of Jackson*, p. 173. For the debate see *Register of Debates*, vol. vii., pp. 532-535, 542; Benton, *Abridgment*, vol. xi., pp. 300-302, 304.

\* Richardson, *Messages and Papers*, vol. ii., pp. 528-529; *Senate Journal*, 21st Congress, 2d session, pp. 30-31.

† The reports of the committees on manufactures are in *Niles' Register*, vol. xxxix., pp. 396-400, 408-412; *Register of Debates*, vol. vii., app., pp. lxii-lxvii.

‡ *Register of Debates*, vol. vii., p. 355, and app., p. lxxii.

¶ *Ibid.* p. 450.

of jealousy and distrust of the judiciary was the impeachment of Judge Peck, of Missouri. In 1826 Judge Peck published in a newspaper a decision which he had rendered. Lawless, counsel for the defeated party, published a review of this decision, whereupon Peck imprisoned him for a day, and, under a charge of contempt, suspended him for 18 months from practising in the court. Lawless petitioned the Federal House of Representatives during three sessions for redress, but in vain. In 1829, however, when the House became Democratic, Peck was impeached, Buchanan having charge of the proceedings. On January 31, 1831, when the vote was taken, Peck was acquitted by a vote of 22 to 21. The opinion has been expressed that Jackson favored acquittal lest Buchanan gain political prestige by a conviction. This failure resulted in the passage of an act March 2, 1831, limiting the power of the courts to punish at discretion for contempt to cases of misbehavior in court, or so near to the courts as to obstruct the administration of justice.\*

The President's message and the proceedings in Congress were most disheartening to the State-rights party. In a letter to the *Southern Times* dated March 16, 1831, a nulli-

fier said that Jackson's message exhibited little desire on his part to aid the South and the proceedings of Congress had also furnished abundant testimony that no reliance could be placed on the justice of that body. Hence the time had arrived when all parties in the State should unite in defence of their rights.\* Dinners to public men were frequently given and the principal speeches were sent broadcast. On April 3, 1831, Senators Hayne and Miller gave a dinner to Governor Hamilton at Columbia at which toasts were drunk to the "detestable" tariff, State rights, unauthorized taxation, etc.† A month later, at a dinner at Charleston, McDuffie spoke for three hours on the tariff. He said, among other things: "Those who dare not openly vindicate tyranny and justify oppression, exclaim in the most pathetic agonies, The Union! The Union! The Union is in danger! The Union, such as the majority have made it, is a foul monster, which those who worship, after seeing its deformity, are worthy of its chains."

Some of the Unionists of the State or "submission men" as they were called, decided to celebrate July 4<sup>th</sup> and invited Jackson to be present, but being unable to attend, he sent a letter on June 14 which left no doubt

\* Sumner, *Life of Jackson*, pp. 173-174; for the proceedings see *Niles' Register*, vol. xxxviii., pp. 245-246, and vol. xxxix., pp. 403-404; and the index to the *Register of Debates*, vols. vi.-vii.; Benton, *Abridgment*, vols. x.-xi., under Peck.

\* *Niles' Register*, vol. xl., pp. 104-106.

† *Ibid.*, pp. 49, 190-191.

‡ On the preparations see Capers, *Life and Times of Memminger*, pp. 37-44.

as to which side of the controversy he supported. Jackson said:

"Every enlightened citizen must know that a separation, could it be effected, would begin with civil discord, and end in colonial dependence on a foreign power and obliteration from the list of nations. But he should also see that high and sacred duties, which must and will at all hazards, be performed, present an insurmountable barrier to the success of any plan of disorganization, by whatever patriotic name it may be decorated, or whatever high feelings may be arrayed for its support." \*

This letter was published the next day in the city newspapers and kindled the wrath of the nullifiers, who considered that he had affronted the State and insulted her citizens. When the legislature met in December, therefore, the governor commented upon the letter in his message, and the committees of the Senate and House made long reports, both characterizing it as an unwarranted interference in the affairs of the State, its principles as repugnant to the Constitution, and the threat it contained as a dangerous precedent.† Outside the State, however, such opinions found little support. The governor of North Carolina, in his message of November 22, 1831, said that the time had not yet come to accept doctrines tending to weaken our whole system of government.‡ In his

inaugural speech the governor of Alabama declared the Constitution did not authorize the power contended for. The Tennessee legislature called on the Senators and Representatives to secure a revision of the tariff so that it would be merely a revenue producer after the National debt had been paid.\* The governor of Virginia denounced the passage of unconstitutional acts, inveighed against the disregard of State rights, and claimed for the States the right to interpose to arrest unconstitutional legislation.†

Though outwardly the States of the South preserved an appearance of calm and serenity, a spirit of unrest prevailed and gradually became more widespread as the people began to scrutinize some acts passed during the first session of the Twenty-second Congress, which assembled in December of 1831. These acts were concerned chiefly with the tariff and the United States Bank.

President Jackson's message of December 6, 1831,‡ was occupied largely with an account of current foreign affairs. He referred also to the removal of the Chickasaws and Choctaws by which the whole of Mississippi and the western part of Alabama would be freed from Indian

\* Parton, *Life of Jackson*, vol. iii., pp. 370-371; *Niles' Register*, vol. xl., p. 351; Houston, *Nullification in South Carolina*, pp. 101-102.

† Houston, *Nullification in South Carolina*, pp. 103-104. See also Ames, *State Documents on Federal Relations*, vol. iv., p. 35 *et seq.*; *Niles' Register*, vol. xli., pp. 334-335, 352.

‡ *Niles' Register*, vol. xli., pp. 312-313.

\* *Niles' Register*, p. 253.

† McMaster, vol. vi., p. 68.

‡ For which see Richardson, *Messages and Papers*, vol. ii., pp. 544-558; *Register of Debates*, vol. viii., pt. iii., app., pp. 1-6; Benton, *Abridgment*, vol. xi., pp. 347-354; *Niles' Register*, vol. xli., pp. 276-279.



occupancy; stated that the estimated revenues were \$27,700,000 and the total estimate of the expenditures \$14,700,000; said that more than \$16,500,000 had been paid on account of the National debt and that during the three years between March 4, 1829, and January 1, 1832, nearly \$40,000,000 had been applied to the reduction of the debt, which was certainly a cause for congratulation.\* As the day when the debt would be entirely extinguished was near at hand, Jackson recommended that the tariff be modified so as to do fuller justice to both merchant and manufacturer. After a few minor recommendations, the message closed with a short passage regarding the bank. In the light of his former messages respecting this institution, Congress heard the President's mild remarks with great surprise. He said that in former messages he had expressed his opinions regarding the bank from a sense of duty; that the attention of Congress and the people might be aroused and the matter disposed of in the manner best calculated to promote the interests of the public. Having performed this duty, he was content to leave the matter in the hands of the representatives of the people.†

Shortly after the message was received came the report of Secretary

McLane, in which that official declared the bank to be constitutional, necessary, and entitled to a strong claim on the consideration of Congress in any future legislation.\* McLane and Biddle had agreed that the bank should not petition for a new charter until after election, but several things had conspired to drive Biddle from this position. Despite McLane's warning, Biddle notified McDuffie early in January of 1832 that the application would be made and within a day or so the petition was forwarded to Dallas. On January 9, 1832, this memorial was presented in the Senate by Dallas† and referred to a select committee for consideration, but nothing more was heard of the matter for a month as the tariff issue then claimed all that body's attention.‡

South Carolina's threat of nullification, the fact that the day was near at hand when the debt would be extinguished and a surplus begin to accumulate, and the appearance of resolutions calling for a tariff revision,|| all these left no doubt that before the session ended something must be done in regard to this matter. In order to secure uniform action in both Houses, Clay assembled such Senators and

\* *House Ex. Doc. 3*, 22d Congress, 1st session.

† *Register of Debates*, vol. viii., pt. i., pp. 53-54; Benton, *Abridgment*, vol. xi., pp. 357-358.

‡ Sumner, *Life of Jackson*, p. 259; White, *Money and Banking*, p. 294; Buell, *History of Andrew Jackson*, vol. ii., pp. 258-259; Schouler, *United States*, vol. iv., pp. 46-48; Parton, *Life of Jackson*, vol. iii., p. 396.

|| *Register of Debates*, vol. viii., pt. ii., p. 1619.

\* For complete text of the Treasury report see *Niles' Register*, vol. xli., pp. 286-294.

† Richardson, *Messages and Papers*, vol. ii., p. 558; *Senate Journal*, 22d Congress, 1st session, p. 17.

Representatives as he knew to be friendly to protection.\* He said he realized that the revenue must be cut down, but declared that the American System must not suffer in the process, nor should the protective duties be touched. Rather would he take off the duties entirely on such articles as did not compete with American products. When told that this would amount to defiance to the South, the President, and the Democratic party, he replied that "to preserve, maintain, and strengthen the American System he would defy the South, the President, and the devil."† Therefore, on January 9, 1832, he introduced a resolution providing that all existing duties on articles imported from foreign countries and not competing with similar articles of American manufacture ought to be abolished, save the duties on wines and silks, which ought to be reduced.‡ He moved that the Committee on Finance be instructed to report a bill accordingly.|| Hayne and Clay both spoke very forcibly on the matter before the resolution was sent to the Committee on Manufactures, and one of Clay's speeches served as the storehouse of protectionists' arguments for many years

to come.\* Hayne led the opposition and proposed the following as a substitute for Clay's resolution:

"That the existing duties upon articles imported from foreign countries should be so reduced that the amount of the public revenue shall be sufficient to defray the expenses of the government according to their present scale after the payment of the public debt; and that, allowing a reasonable time for the gradual reduction of the present high duties on the articles coming into competition with similar articles made or produced in the United States, the duties be ultimately equalized so that the duty on an article shall, as compared with the value of that article, vary materially from the general average."†

Hayne made a speech of great length respecting this resolution‡ and was followed by several Senators, for and against Clay's plan.|| Finally, on March 19, Hayne's resolution was rejected by a vote of 23 to 18; but the debate was renewed two days later and continued fitfully until June 29, when the House tariff bill was presented for concurrence.§ Nevertheless Clay's resolution, overloaded with extraneous matters, was refer-

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\* Clay, *Life of Clay*, p. 193; Peck, *The Jacksonian Epoch*, p. 161. For a resumé see Schurz, *Life of Clay*, vol. i., p. 360 *et seq.*; Niles' *Register*, vol. xli., pp. 385-390 and vol. xlii., pp. 2-16; *Register of Debates*, vol. viii., pt. 1, pp. 66-77.

† *Register of Debates*, vol. viii., pt. 1, pp. 77-104; Niles' *Register*, vol. xli., p. 396.

‡ Jervey, *Robert Y. Hayne and His Times*, pp. 304-311; Niles' *Register*, pp. 396-408.

|| See *Register of Debates*, vol. viii., pt. 1, pp. 155-180, 186-221, 227-328, 335-367, 377-390, 393-412, 416-486, 490-502, 559-591; Benton, *Abridgment*, vol. xi., pp. 382-388, 391-394, 398-412, 418-425.

§ See *Register*, vol. viii., pt. i., pp. 594-638, 647-678, 1154; Benton, *Abridgment*, vol. xi., pp. 426-436.

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\* Schurz, *Life of Clay*, vol. i., p. 359.

† Clay, *Life of Clay*, p. 103; McMaster, vol. vi., p. 135; *Diary of J. Q. Adams*, vol. viii., p. 447; McCulloch, *Men and Measures of Half a Century*, p. 506.

‡ Bishop, *History of Manufactures*, vol. ii., p. 365; Schurz, *Life of Clay*, vol. i., p. 360.

|| *Register of Debates*, vol. viii., pt. i., p. 55; Stanwood, *Tariff Controversies*, vol. i., p. 370.

red to the Committee on Manufactures, whence soon came two tariff bills intended to be mutually supplementary, but which did not reach a vote.\*

Meanwhile the subject of the tariff, under separate designations, had been referred in the House to the two rival committees — the Committee on Manufactures and that on Ways and Means.† On January 19, 1832, at the request of the Committee on Manufactures, the House called upon the Secretary of the Treasury for information concerning the tariff and for suggestions as to the best manner of adjusting it.‡ Meanwhile, on January 16, 1832, McDuffie reported a similar resolution from the Committee of Ways and Means; but, without waiting for Secretary McLane to send his suggestions, he presented the bill from the same committee on February 8.¶ This bill called for an immediate reduction of duties of every sort (save those on iron, steel, hemp, flax, cotton bagging, salt and sugar, and everything made of cotton, wool, and iron) to a uniform basis of 25 per cent. *ad valorem*. On the articles mentioned, the duties were to be reduced gradually to 20 per cent. *ad valorem*, to 18¾ per cent. on June 30,

1833, and to 12½ per cent. on June 30, 1834.\*

Then occurred an incident of no little significance. Among the new members of the House was John Quincy Adams, who, in the arrangement of committees, had been placed at the head of that on manufactures. In the course of the meetings of this committee, Adams spoke quite strongly against Clay's tariff resolution, believing the tariff oppressive to the South and that a great reduction in the rates was due to the people of that section. This greatly pleased the Democratic members, and the less extreme among them expressed a hope that the committee would report a bill the Southern members could support. Meanwhile Adams had been appointed on the committee to investigate the affairs of the Bank, and on March 16 made a speech in the House resigning his position on the Committee on Manufactures. Immediately member after member arose to protest, and finally the request that he reconsider his action became so urgent that his resignation from the committee was withdrawn and he continued at its head.† Adams set to work and, while he labored, the report and bill of the Secretary of the Treas-

\* Stanwood, *Tariff Controversies*, vol. i., pp. 372-373; Thompson, *History of Protective Tariff Laws*, chaps. xxiv.-xxv.; *Niles' Register*, vol. xlii., pp. 204-205.

† *Register of Debates*, vol. viii., pt. ii., pp. 1538-1542, 1546-1561, 1568-1571.

‡ *Ibid.*, pp. 1585-1587.

¶ *Niles' Register*, vol. xlii., pp. 134-147; *Register of Debates*, vol. viii., pt. ii., p. 1763.

\* McMaster, vol. vi., pp. 135-136; Stanwood, *Tariff Controversies*, vol. i., p. 374; Thompson, *History of Protective Tariff Laws*, pp. 248-253.

† Quincy, *Memoir of John Quincy Adams*, pp. 200-201; McMaster, vol. vi., pp. 136-137; *Niles' Register*, vol. xlii., pp. 86-88. For the debate see *Register of Debates*, vol. viii., pt. ii., pp. 2175-2182.



ury, dated April 27, 1832, were presented to the House.\* The Secretary proposed that after March 3, 1833, the act of 1828 become null and void and that the revenue to be raised be limited to the actual expenditures necessary to operate the Government. As \$15,000,000 were considered ample to meet such requirements and as the sale of public lands would produce \$3,000,000, the Secretary proposed to reduce the duties so that they would yield only \$12,000,000 and to arrange the rates so as to afford adequate protection to all the interests involved.†

The Committee on Manufactures took the Secretary's bill under consideration, made a number of changes, and on May 23 reported a bill which subsequently became known as the Adams Bill.‡ The report accompanying the bill gives a remarkable exposition of Adams' views.¶ He made several statements that were objectionable to both sides and said there was no reason why the interests of the planters and manufacturers should be irreconcilable, then drawing a picture of the consequences of dissolution of the tie between the

States. It would result in war, in which case the committee suggested:

"To those who deny the power of this confederate government to protect by the energy and resources of the whole nation a great and comprehensive but not universal interest, that there is an interest most deeply their own protected by the Constitution and laws of the United States, and effectively protected by them above. Among the consequences from which a statesman of either portion of this Union cannot avert his eyes in contemplating that which must ensue from its reverence, is the condition in which that great interest would be found immediately after the separation should have been consummated."

On May 28 McDuffie called up his bill and made a long speech in favor of it.\* He said, among many other things:

"It can no longer be disguised that these dues exist, under the unjust and oppressive legislation of Congress, and without any agency of Providence to that effect, a radical hostility of interests between the two great subdivisions of this confederacy, and if the power of the majority, and not their sense of justice, is to decide the present controversy, it will be impossible now to reconcile these conflicting interests, such being the case, God only knows what is to be the end of this great political drama. One thing is certain; an eventful eve is at hand, and whether it shall be signalised by the civil triumph, or by the catastrophe of constitutional liberty, history will record that triumph or that catastrophe, and posterity will pronounce judgment on the authors of it. \* \* \*

"But the great and radical objection to the protecting system is not that it is unequal in its operation, or even that it is unconstitutional, but that, by throwing the great pecuniary interests of the manufacturing and planting states into direct and irreconcilable hostility, it entirely destroys the security which the representative principle was designed to provide, and converts a majority of Congress into an irresponsible despotism, not only as it regards the power

\* See *Niles' Register*, vol. xlii., pp. 188-192. For a comparison with the old tariff see *ibid*, pp. 211-217.

† Bishop, *History of Manufactures*, vol. ii., p. 366.

‡ *Register of Debates*, vol. viii., pt. iii., p. 3090.

¶ It will be found in *Register of Debates*, vol. viii., pt. iii., app., pp. 79-92; *Niles' Register*, vol. xlii., pp. 231-234, 244-257. See also *Reports of Committees*, 22d Congress, 1st session, vol. v., p. 481; Quincy, *Memoir of John Quincy Adams*, p. 202 *et seq*.

\* See *The South in the Building of the Nation*, vol. ix., pp. 287-302; *Register of Debates*, vol. viii., pt. iii., pp. 3120-3170; Benton, *Abridgment*, vol. xi., pp. 696-700.

of taxation itself, but as it regards all the interests that can be directly or indirectly affected by it. \* \* \* If our present revenue were raised by a law which made every citizen of the Union contribute in exact proportion to his income, I should feel that the power of taxing the property of my constituents might be safely intrusted to the representatives of any other State, because the very same burden which they impose upon my constituents they would necessarily impose upon their own. The responsibility of the representative body in this case, not only to a majority of the Union but to every part of it, however small, would be as perfect as human wisdom could make it. But under our existing system of revenue, embracing indirect taxation with indirect bounties, the whole of this is entirely reversed, so that the principle of responsibility itself is perverted into a principle of absolute despotism. The representatives who impose the taxes are not only destitute of all responsibility, direct or indirect, to the minority who pay them, but, what is infinitely worse, they are responsible to the majority who receive the bounties. Taxation and representation are no longer coincident and proportionate; on the contrary, the interest which imposes taxes is brought into direct conflict with that which pays them. \* \* \*

"I now stand up before you, sir, as a witness, and I give testimony in the presence of this assembly, and in the presence of that God to whom we are all responsible, that I conscientiously believe that if this question be not adjusted during this session, South Carolina will not submit to tariff five months from the day of our adjournment. \* \* \*. Owing to the peculiar circumstance in which she has been placed, and not because she claims to have more intelligence or patriotism than the other Southern states, it has been the lot of South Carolina to be in the van of this great struggle for constitutional liberty. Virginia and North Carolina, in proportion to their population, furnish a comparatively small amount of the exports upon which the protecting system directly operates. Georgia has been engrossed in maintaining her right in another contest with this government: and the people of the new states of the Southwest, cultivating a fresh and fertile soil, recently acquired at the minimum price, can as well afford to make cotton at six or eight cents a pound as those of South Carolina can at ten. They can sustain this oppressive system with comparatively little suffering when the older

planting states will be comparatively ruined. But they have too much sagacity not to see that when the tide of ruin shall have swept away the states which stand first in the march of the oppressor they are destined to be the next victims.

"South Carolina, then, is fighting the common battle of all the Southern states. She threw herself into the breach as a forlorn hope, when all the auspices were against her; and, whatever may be the result of the contest, I cannot but regard her destiny as a happy and glorious one."

On June 1, after the speeches had been made,\* the House by a vote of 81 to 41 laid aside McDuffie's bill and took the Adams Bill under consideration.† On June 5 Andrew Stewart, of Pennsylvania, offered a substitute for the latter based on the Clay resolution in the Senate and made a fierce attack on the Adams Bill.‡ The next day Adams explained at length the difference between the two bills,|| but failed to convince any but the moderate men that his was a fair compromise measure. A few amendments were adopted. To the *ad valorem* rate on glassware was added a specific duty, because Adams saw that, under the duty fixed by the bill, this industry would be destroyed. The rates on copper manufactures, carriages, cabinet wares, hats and caps, wafers, black-lead pencils and other articles were augmented; but a proposition to cut in half the duty on salt, accepted in Committee of the Whole,

\* For which see *Register of Debates*, vol. viii., pt. iii., pp. 3170-3235; Benton, *Abridgment*, vol. xi., pp. 701-705.

† *Register*, p. 3242.

‡ *Ibid.*, pp. 3268-3286.

|| *Ibid.*, pp. 3290-3293.

was rejected by the House. The woolen men had been unsuccessful in their attempt to obtain amendments and at last they concentrated their efforts to save the manufacture of satinets from destruction. On all woolen goods valued at less than 40 cents per square yard a rate of 5 per cent. was imposed by the bill, but, after several attempts to amend this had been defeated, Adams proposed to reduce the limit from 40 to 35 cents, warning the members that upon the result of the vote depended the passage of the bill. Accordingly the protectionists rallied and the amendment was adopted on June 25 by a vote of 102 to 85.\* On June 28 the bill finally passed the House by a vote of 132 to 65.† The Senate referred the bill to the Committee on Manufactures by which it was reported back on July 2 with amendments.‡ There was no general debate on the bill and most of the amendments were adopted by narrow margins, the general result being in favor of the protectionists.¶ The House agreed to some of the Senate amendments§ and after a confer-

ence the Senate receded from the others.\* The bill was passed by a vote of 32 to 16 and was signed by the President on July 14, 1832.†

The changes were numerous and important. Under the act of 1828 there were 49 articles free of duty, but in the new act there were 180. Wool valued at less than 8 cents a pound was admitted duty free, but on other wool the duty was 4 cents a pound and 40 per cent. *ad valorem*. The *ad valorem* duty on the cheapest woolen goods (those valued at 35 cents per square yard) was reduced to 5 per cent.; on other woolen goods the duty was raised from 40 and 45 to 50 per cent. On the other hand, the rate on worsted stuffs was reduced from 25 to 10 per cent.; the duty on unmanufactured hemp was reduced 33½ per cent. — from \$60 to \$40 per ton; brown sugar was reduced from 3 to 2½ cents per pound; and iron was reduced somewhat — pig iron from 62½ to 50 cents per hundredweight and on some varieties of wrought iron from 3½ to 3 cents per pound. Glass was left practically the same and cotton goods still paid 25 per cent. As an offset to the reductions, however, the value of the pound sterling, in estimating the cost

\* *Register*, pp. 3293-3318, 3326-3340, 3348-3388, 3397-3399, 3421-3453, 3456-3505, 3511-3599, 3608-3694, 3703-3782; Benton, *Abridgment*, vol. xi., pp. 713-735.

† Stanwood, *Tariff Controversies*, vol. i., pp. 377-381; McMaster, vol. vi., pp. 137-138; *Register*, pp. 3783-3831; Benton, pp. 741-744.

‡ *Register*, vol. viii., pt. i., pp. 1154-1155, 1161.

¶ *Ibid.*, pp. 1174-1180, 1185-1219; Benton, vol. xi., pp. 510-512.

§ *Register*, pp. 3887, 3891-3895.

\* *Register*, pp. 1274-1293.

† *United States Statutes-at-Large*, vol. iv., pp. 583-594; *Register of Debates*, vol. viii., pt. iii., app., pp. xli-xlv.; Niles' *Register*, vol. xlii., pp. 340-343; Stanwood, *Tariff Controversies*, vol. i., pp. 382-383; O. L. Elliott, *The Tariff Controversy*, pp. 258-262.



of imported goods, was raised to \$4.80, thus increasing the actual rate of duty. On the other hand, the old 10 per cent. additional above invoice price was abolished. The act was to go into effect on March 4, 1833.\*

While Congress was discussing the tariff, Biddle was busy on the affairs of the Bank. The friends of that institution had persuaded the Pennsylvania legislature to pass a resolution instructing the Senators and requesting the Representatives of that state to vote for the re-charter.† Dallas was urged to take this resolution to Jackson, tell him not to disregard the voice of Pennsylvania, and offer to accept any bill he would approve. Livingston was asked to assure Jackson that if he would draw the charter with his own hand, the Bank would accept it. Everything seemed to be running smoothly when the enemies of the bank in Congress suddenly demanded an investigation of its affairs. The report of the majority of the committee appointed for this purpose was against the Bank, and from the time Jackson read this report he became the bank's most implacable foe. Biddle ought to have withdrawn his memorial and courted a searching examination; but, in spite of the warning of the members of the Cabinet, he persisted in pushing his memorial

and, on March 13, a select committee of the Senate to which the memorial had been sent reported a bill to re-charter the Bank for fifteen years after the day its first charter expired (March 3, 1836).‡ Several changes in the old charter were suggested and a bonus of \$500,000, payable in three annual instalments, was demanded. On June 11, after a hot debate lasting three weeks, the bill was passed without many alterations by a vote of 28 to 20.† The bill was then sent to the House, where it was taken under consideration on June 30. Meanwhile on January 9 a petition for a re-charter had been presented in the House and referred to the Committee of Ways and Means.§ On February 10 McDuffie reported a measure to renew and modify the charter.|| On February 23 Clayton, of Georgia, at the instigation of Benton,§ moved that a select committee be appointed to examine the affairs of the Bank.¶ This motion was debated until March 14, when, with an amendment offered by

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\* *Register of Debates*, vol. viii., pt. i., p. 530.

† For Benton's remarks on this subject see his *Thirty Years' View*, vol. i., pp. 158-159, 187, 205, 220, 265. For Webster's speeches of May 25 and 28, see his *Works* (ed. 1857), vol. iii., pp. 391-415. See also Roosevelt, *Life of Benton*, pp. 124-127. For the entire debate see *Register of Debates*, vol. viii., pt. i., pp. 943-1073; Benton, *Abridgment*, vol. xi., pp. 459-488.

‡ *Register of Debates*, vol. viii., pt. ii., pp. 1502-1529.

|| *Ibid.*, pp. 1780-1781 and app., pp. 127-128.

§ Schouler, *United States*, vol. iv., p. 51.

¶ *Register of Debates*, p. 1846.

\* Stanwood, *Tariff Controversies*, vol. i., pp. 383-385; Taussig, *Tariff History*, pp. 103-105.

† *Niles' Register*, vol. xlii., p. 274.

Adams, it was passed.\* On April 30 Clayton made a majority report to the effect "that the bank ought not to be re-chartered until the debt was all paid and the revenue adjusted."† Minority reports were made by McDuffie and Watmough favoring immediate re-charter, and by Adams defending the bank against all charges.‡ When the Senate bill came down the discussion was reopened. McDuffie proposed an amendment to the effect that the provision limiting the number of branches in the several States should not interfere with the existing branches. Other amendments were proposed and a short but sharp contest ensued, ending in the adoption of McDuffie's amendment in which the Senate concurred and the rejection of all the others.|| The bill was finally passed on July 3 by a vote of 107 to 85§ and the following day, after the Senate had concurred in the amendments, it

was sent to the President.\* Congress had intended to adjourn on July 9, but when that day came the session was extended to the 16th, at Clay's suggestion, in order that more than ten days (exclusive of Sunday) might intervene between the receipt of the bill by Jackson and the end of the session, for Clay was determined that the bill should not go over to the next session, but should be signed, vetoed, or become law without the President's signature.†

Jackson was ready to meet the question, and on the 10th returned the bill to the Senate with his veto, a message of great length which had much the appearance of a campaign document and has been described as "beneath contempt."‡ He went into the question very fully, denounced the bank as a monopoly, unauthorized by the Constitution, subversive of State rights, dangerous to the liberties of the people, exercising despotic sway over the business of the country, and controlled by persons who were described as "a favored class," "opulent citizens," etc. He said that while distinctions must continue under any government, the law must not add artificial distinctions to natural advantages. There naturally were necessary evils in government, but

\* *Register of Debates*, pp. 1874-1917, 1943-1996, 2036-2163; Benton, *Abridgment*, vol. xi., pp. 604-638. The committee consisted of Clayton, chairman; Richard M. Johnson, Francis Thomas, C. C. Cambreleng, George McDuffie, John Quincy Adams, and Mr. Watmough.

† See *House Report* 460, 22d Congress, 1st session. See also Dewey, *Financial History*, pp. 202-203; *Register of Debates*, vol. viii., pt. ii., p. 2651 *et seq.* and pt. iii., app., pp. 33-46; Sumner (*Life of Jackson*, p. 260 *et seq.*) gives a resumé of the charges against the bank.

‡ Schouler, *United States*, vol. iv., p. 51; *Register of Debates*, vol. viii., pt. iii., pp. 2940, 3036, and app., pp. 46-73.

|| *Register of Debates*, vol. viii., pt. iii., pp. 3840-3850.

§ *Ibid.*, p. 3852.

\* For text see *Senate Journal*, 22d Congress, 1st session, pp. 451-453. See also Peek, *The Jacksonian Epoch*, pp. 176-181.

† Sumner, *Life of Jackson* p. 274; White, *Money and Banking*, pp. 296-297.

‡ Catterall, *Second Bank*, p. 239; Mason, *Veto Power*, p. 75.

these evils had arisen from the abuse of government. If a government would confine itself to equal protection and "show its favors alike on the high and the low, the rich and the poor, it would be an unqualified blessing. But this our government had many times failed to do. Many of our rich men have not been content with the equal protection and equal benefits, but have besought us to make them richer by acts of Congress. By attempting to gratify their desires, we have by results of our legislation arrayed section against section, interest against interest, and man against man in a fearful commotion which threatens to shake the foundation of our Union."\*

These sentiments had great weight with the people, but the parts attacked by Clay and Webster† and defended by Benton were of a graver nature — those parts which charged that the

bank was ruining the West by drawing its money eastward; the complaint that the States could not tax the business nor the property of the bank; and the doctrine that "each public officer who takes an oath to support the Constitution swears that he will support it as he understands it and not as it is understood by others."\*

Clay, Webster, Clayton, of Delaware, and Ewing endeavored, not to carry the bill over the veto, but to bring reproach upon the President and to make this a subject on which an appeal might be made to the people. Benton and White, of Tennessee, upheld the veto and in the debate that ensued there were many sharp personalities and several angry scenes. This was particularly the case when Clay and Benton spoke, for Clay assailed Benton as an old foe of Jackson's, who even yet carried marks of their duel. Clay accused Benton also of having said in 1825 that if Jackson were elected President, the members of Congress would have to guard themselves with pistols and dirks. Benton denied this as "an atrocious

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\* Richardson, *Messages and Papers*, vol. ii., pp. 576-591; *Register of Debates*, vol. viii., pt. iii., pp. 73-79; *Niles' Register*, vol. xlii., pp. 365-368; *Senate Journal*, 22d Congress, 1st session, pp. 433-446; *Senate Doc.*, 180; *House Ex. Doc.*, 300. See also Brady, *The True Andrew Jackson*, p. 349 *et seq.*; Buell, *History of Andrew Jackson*, vol. ii., p. 264 *et seq.*; Von Holst, *Constitutional and Political History*, vol. ii., p. 44 *et seq.*; Parton, *Life of Jackson*, vol. iii., p. 406 *et seq.*

† For Clay's speech of July 12 see his *Life and Speeches*, (ed. 1844), vol. ii., pp. 94-105; *Niles' Register*, vol. xlii., pp. 429-432; *Register of Debates*, vol. viii., pt. i., pp. 1265-1274; Benton, *Abridgment*, vol. xi., pp. 531-537. For Webster's speech of July 11, see his *Works*, (ed. 1857), vol. iii., pp. 416-447; *Register*, vol. viii., pt. i., pp. 1221-1239; Benton, vol. xi., pp. 513-523; *Niles' Register*, vol. xliii., pp. 106-112.

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\* Regarding this see Madison's letter in *Niles' Register*, vol. xliii., p. 136. In speaking of the bank, Madison said that the act establishing it has been thoroughly discussed for 20 years and its constitutionality had been recognized by Congress. "A veto from the executive under the circumstances, with an admission of the expediency and almost necessity of the measure, would have been a defiance of all the obligations derived from a course of precedents amounting to the requisite evidence of the national judgment and intention."



calumny."\* Finally, on July 13, after a heated discussion, the Senate failed to secure the necessary two-thirds to pass the bill over the veto, (the vote

being 22 to 19)\* and the question to re-charter was referred to the people,† becoming an issue in the campaign then well under way.

## CHAPTER IV.

1830-1832.

### THE ELECTION OF 1832.

Jackson's nomination — Declarations favoring Clay — Van Buren's resignation — The quarrel in the Cabinet and its reorganization — The anti-Masonic convention — The National Republican convention — The Democratic convention — The convention of Clay's "Infant School" — Issues of the campaign — Result of the election.

As Jackson in his annual message of December 8, 1829, had asked that the Constitution be amended so as to limit the President's term to four or six years,† the question as to whether he would accept a renomination began to be argued in the newspapers.‡ In March of 1830 the *United States Telegraph* denied that he was to be a candidate, saying that the declaration was ill-timed, unadvised, and unauthorized. On the other hand, the *New York Courier and Enquirer* asserted on March 15, 1830, that Jackson was

to be a candidate for reelection,‡ and cited some remarks of Senator Grundy, of Tennessee, while speaking on Foot's resolution. Grundy said that he had not been authorized to make such a declaration, but asserted on his own responsibility that the President was a candidate for reelection, and that if the people would have a little patience, they would see for themselves the truth of his assertion. It was true that Jackson was a little old, but he was tough and sound and as good as seasoned hickory. The West was perfectly satisfied with him and there was no doubt that he could be reelected.||

\* Benton, *Thirty Years' View*, vol. i., pp. 255-265; Schouler, *United States*, vol. iv., p. 71; Parton, (*Life of Jackson*, vol. iii., p. 415) notes the singular coincidence that while Benton was thus defending Jackson a surgeon was extracting Benton's bullet from Jackson's left arm.

† Richardson, *Messages and Papers*, vol. ii., p. 448.

‡ Calhoun was uncertain of Jackson's probable attitude toward a second term because "it will be difficult to reconcile the course to his previous declarations, unless there should be the strongest considerations of the public good to justify him." — Jameson's ed. of Calhoun's *Correspondence*, p. 273.

\* *Register of Debates*, vol. viii., pt. i., pp. 1293-1296.

† On the controversy see also Benton, *Thirty Years' View*, vol. i., chaps. 63-68, 72; Curtis, *Life of Webster*, vol. i., chap. xviii.; Sumner, *Life of Jackson*, p. 275; Peek, *The Jacksonian Epoch*, pp. 185-190; Schurz, *Life of Clay*, vol. i., p. 372 *et seq.*; Roosevelt, *Life of Benton*, pp. 127-130.

‡ Schouler, *United States*, vol. iii., p. 501; MacDonald, *Jacksonian Democracy*, p. 186.

|| *Register of Debates*, vol. vi., part i., p. 219.

Various journals took up the discussion and were debating the question whether the time had arrived to nominate a candidate for 1832, when on March 30, 1830, 68 of the Republican members of the Pennsylvania legislature, in caucus assembled, settled the question by nominating Jackson.\* On April 11, 1830, the Democratic members of the New York legislature expressed the hope that Jackson would consent to renomination.† After the Jefferson dinner at Washington, where the President and Vice-President exchanged their famous toasts, and after the rupture between the two because of the Seminole correspondence, Calhoun ceased to be a candidate for the Presidency,‡ and thus the way was clear for Jackson. On June 15, 1830, the Democratic members of the New Hampshire legislature|| and on December 17, the Senate and House of Alabama§ adopted

resolutions warmly endorsing Jackson's nomination. On January 4, 1831, Alabama's action was approved by both the House and Senate of the Illinois legislature.\* On January 26, the Delaware legislature voted that the reelection of Andrew Jackson would be inimical to the best interests of the Nation, and that her choice was Henry Clay.† The Alabama resolutions were laid on the table by the Massachusetts legislature on January 22, 1831, but on February 15, a caucus of National Republican members declared for Clay.‡ On January 22, 1831, the *Washington Globe*, an administration newspaper, announced that Jackson would be a candidate. The Democratic members of the Pennsylvania legislature thereupon sent a letter of congratulation to Jackson, who replied that his services were at the disposal of the people. This was considered an acceptance of the nomination.

This announcement was seized upon by Van Buren as a good pretext for resigning his office as Secretary of State. Both Van Buren and the Secretary of War had previously made known their desire to withdraw, for the social relations of the Cabinet members had long been broken. The Cabinet had hardly been called together when Dr. J. N. Campbell, a Presbyterian minister, of Washing-

\* Sumner, *Life of Jackson*, pp. 155-156; *Niles' Register*, vol. xxxviii., p. 169.

† Sumner, *Life of Jackson*, p. 156; *Niles' Register*, vol. xxxviii., p. 170.

‡ On May 16, 1831, he wrote: "In the present state of things, I have but little ambition to administer the Government. I cannot support Clay, who in my opinion has done great mischief to the country, and I have no confidence in Jackson, who is too ignorant, too suspicious, and too weak to conduct our affairs successfully." Again he wrote: "If the country wants an individual to carry on the sectional conflicts, I am not their man. I would not advance myself by sacrificing its true interests; but if they look to the higher considerations of peace, harmony, and liberty, it would be the proudest incident of my life, to be instrumental in promoting these great objects."—Jameson's ed. of Calhoun's *Correspondence*, pp. 291, 297.

|| *Niles' Register*, vol. xxxviii., pp. 392-393.

§ *Ibid.*, vol. xxxix., p. 311.

\* *Niles' Register*, p. 148.

† *Ibid.*, p. 452.

‡ *Ibid.*, pp. 449-452; McMaster, vol. vi., pp. 114-117.

ton, through the Rev. Dr. E. S. Ely, a clergyman of Philadelphia, laid before the President charges against the character of the wife of the Secretary of War, but Jackson considered it as a piece of spite and further than to prove that the charges were unfounded took no action before the winter of 1830.\* Then a member of Congress called on him and announced that a plan had been formulated between the secretaries of the Treasury and the Navy, the Attorney-General, and "a certain foreign lady" to drive Major Eaton out of the Cabinet and his wife from society.† Thereupon Jackson read a vigorous note to the three offenders, denouncing the treatment of the Secretary of War and his wife as unjust to the Secretary and disrespectful to the President. He declared that he had brought Major Eaton into the Cabinet and intended to keep him there, and that unless the other members could harmonize with him, they had better withdraw. All declared it their wish to harmonize, and Jackson decided to retain them.‡ But harmony was not restored, and finally his position became so irksome that Eaton expressed an earnest desire to retire. At the same time (April 11) Van Buren made

a similar request, but the President requested them to wait until successors could be found.\* Jackson then determined to reorganize the whole Cabinet.† Accordingly, on April 19, Jackson sent for Ingham, Secretary of the Treasury, and John Branch, Secretary of the Navy, informed them of the resignations of Van Buren and Eaton and announced his reasons for reorganizing the Cabinet.‡ Each promptly resigned and their resignations were accepted.|| The office of Secretary of State was then offered to Edward Livingston, of Louisiana, and that of the Navy to Levi Woodbury, of New Hampshire.

Meanwhile Van Buren's letter had been made public. He stated that from the time he entered the Cabinet he desired to prevent a premature discussion of the question of Jackson's successor, and that he had striven to discountenance the disposition to connect his name with this disturbing topic. But as circumstances beyond his control had given the matter a different turn, he ought not to remain in the Cabinet. Letters from Ingham and Branch also appeared in the newspapers,§ but some weeks passed be-

\* Brady, *The True Andrew Jackson*, p. 180 *et seq.*; Buell, *History of Andrew Jackson*, vol. ii., pp. 224-230; Schouler, *United States*, vol. iii., pp. 495-496. Jackson's letters in full are in Parton, *Life of Jackson*, vol. iii., p. 186 *et seq.*

† See Sumner, *Life of Jackson*, pp. 149-151.

‡ Parton, *Life of Jackson*, vol. iii., pp. 302-309; MacDonald, *Jacksonian Democracy*, p. 127.

\* Shepard, *Martin Van Buren*, p. 165 *et seq.* The two letters are in *Niles' Register*, vol. xl., pp. 143-144; Parton, *Life of Jackson*, vol. iii., p. 347 *et seq.*

† Brady, *The True Andrew Jackson*, p. 194 *et seq.*; Sumner, *Life of Jackson*, pp. 160-161.

‡ *Niles' Register*, vol. xl., pp. 152-153.

|| *Ibid.* p. 201. See also Schouler, *United States*, vol. iv., pp. 32-33; Parton, *Life of Jackson*, vol. viii., p. 352 *et seq.*

§ *Niles*, p. 220.



fore the cause of the trouble was made public. The various party journals discussed the probable cause,\* and while the matter was still a subject of speculation, the mystery was much increased by the publication of a letter from Mr. Branch wherein it was stated that lack of harmony in the Cabinet was the cause of the rupture between Jackson and the Secretaries, and that this discord had been introduced "by the intrigues of selfish politicians."† On the other hand, in a letter made public at this time, Mr. Ingham states that the Cabinet had never been divided by differences of opinion as to public measures.‡ Here was an apparent contradiction, but the one referred to official intercourse and the other to the social intercourse of the members of the Cabinet, and when this distinction was made known, the social quarrel among the Cabinet members was brought to light.¶ The *Telegraph* then printed several quer-

ies regarding the relations existing among the Cabinet members which considerably angered Mr. Eaton. He accused Ingham of having inspired these articles, sent him a challenge,\* and when it was rejected sought (Mr. Ingham insisted)† to waylay and assassinate him. Next John M. Berrien, the Attorney-General, was requested to resign‡ and Roger B. Taney, of Maryland, was appointed in his place. Livingston and Woodbury had already taken their positions as secretaries of State and the Navy, respectively; Louis McLane, of Delaware, was recalled from London to be Secretary of the Treasury; and later (in August of 1831) Lewis Cass was appointed Secretary of War.¶ Van Buren then sailed for London as American minister to the court of St. James.

After the Cabinet quarrel had been thoroughly aired in public, attention was transferred to the political conventions. In March of 1829 the anti-Masons of New York issued a call for

\* Excerpts will be found in *Niles*, vol. xl., pp. 165-166, 168-169, 178-180.

† *Ibid.* p. 253, also vol. xli., pp. 5-6.

‡ *Ibid.* vol. xl., pp. 318, 383-384.

¶ As to the causes of the Cabinet changes see Brady, *The True Andrew Jackson*, p. 190 *et seq.* Buell (*History of Andrew Jackson*, vol. ii., pp. 249-250) says the real trouble was that Branch, Berrien and Ingham were known to be Calhoun men; that Jackson believed Ingham was secretly a Bank man; that at heart Berrien was a nullifier, and thus it seemed incongruous to have at the head of the law department a man who secretly favored defiance and resistance to the laws he had sworn to uphold; and that Branch was dull, pompous, incompetent and wholly under petticoat government, having succumbed entirely to the charms of the wives of the naval officers. See also Peck, *The Jacksonian Epoch*, pp. 148-149.

\* See the letters in Parton, *Life of Jackson*, vol. iii., p. 364 *et seq.*; *Niles' Register*, vol. xl., p. 301.

† Sumner, *Life of Jackson*, p. 162; Parton, *Life of Jackson*, vol. iii., pp. 366-368; *Niles' Register*, vol. xl., p. 302.

‡ *Niles' Register*, vol. xl., p. 304.

¶ McLaughlin, *Life of Cass*, pp. 130-135; Smith, *Life and Times of Lewis Cass*, p. 234; Schouler, *United States*, vol. iv., pp. 34-36; Sumner, *Life of Jackson*, pp. 162-163. Regarding the disruption of the Cabinet, see also Eaton's version in a *Candid Appeal to the American Public* (Washington, 1831), and the view point of Jackson's opponents in an *Address to the People of Maryland* by Joseph Kent and others (Baltimore, 1832).

a convention to be held at Philadelphia on September 11, 1830.\* This was attended by 96 delegates from ten States and one Territory, but no candidates for the Presidency were nominated and the question was deferred until another convention to be held at Baltimore on September 26, 1831, at which 112 delegates from thirteen States and one Territory assembled and nominated William Wirt, of Maryland, and Amos Ellmaker, of Pennsylvania.† As a platform this party adopted that passage in Jefferson's first inaugural speech, wherein he stated the six general principles of democracy. They said also that the chief foe of the country was Free-Masonry, citing the Morgan abduction as an instance of the baneful influence of this order and calling upon all true patriots to exclude Free-Masons from power.‡ The chief effect of this party was to draw votes from the other candidates, particularly from Clay.||

The convention of the National Republicans assembled at Baltimore on December 12-16.§ Seventeen of the States and the District of Columbia sent delegates (159 in number), but

South Carolina, Alabama, Mississippi, Missouri, and Illinois were unrepresented.\* All the delegates save one voted for Clay as the party's nominee for the Presidency, and John Sergeant, of Pennsylvania, for the Vice-Presidency.† This convention adopted no platform, issuing an address instead. Jackson's conduct was severely arraigned, various points in his message were cited to show he had acted inconsistently, and his attitude toward the Bank was particularly dwelt upon.‡ In his recent message to Congress he had for the third time declared his hostility to the Bank, and intimated that he should consider his reelection as an expression of the people's will that the Bank should be destroyed. Therefore Jackson was pledged to veto any bill which might be passed by Congress to re-charter the Bank, and undoubtedly, if elected, he would veto such a bill and attempt to substitute something else for the Bank. The question was, Were the people of the United States, the farmers of the West, and the great merchants of the East ready for this? If not, they must vote for Clay. Hence the National Republican watchword was "The Bank or Jackson!"||

It remained for the Democrats only to nominate a Vice-Presidential can-

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\* *Niles' Register*, vol. xxxix, p. 58.

† *Ibid*, vol. xli., pp. 83, 107; Stanwood, *Presidential Elections*, p. 104; Schouler, *United States*, vol. iv., p. 82.

‡ *Niles' Register*, vol. xli., pp. 166-174. See also Alexander Harris, *A Review of the Political Conflict in America*, pp. 24-25.

|| McCarthy, *The Anti-Masonic Party*, in *Annual Report of the American Historical Association* for 1902, vol. i., pp. 442-454.

§ *Niles' Register*, vol. xli., p. 301 *et seq.*

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\* Stanwood, *Presidential Elections*, p. 105.

† Schurz, *Life of Clay*, vol. i., p. 356; Clay, *Life of Clay*, pp. 190-191.

‡ Sumner, *Life of Jackson*, pp. 256-257. Text is in *Niles' Register*, vol. xli., pp. 307-312.

|| Von Holst, *Constitutional and Political History*, vol. ii., p. 40.

didate. Jackson's choice was Van Buren, and to bring this about the Democrats of the New Hampshire legislature were induced to call a convention to meet at Baltimore in May of 1832 to select a Vice-President. It was a matter of some doubt as to who the Vice-Presidential candidate was to be, but Jackson's enemies soon brought Van Buren forward. On December 7, 1831, Van Buren was nominated envoy extraordinary and minister plenipotentiary at the court of St. James, but it was openly asserted that this nomination would not be confirmed. It was stated that Van Buren was the first to introduce party politics into the Senate as ground for rejecting nominations; that in his administration of the office of Secretary of State he has neglected the interests of the country; that he had taken a disgraceful part in the disruption of the Cabinet, etc.\* The message nominating Van Buren was allowed to lie on the table for three weeks before it was even considered. On December 27 it was sent to the Committee on Foreign Relations, which on January 10, 1832, reported favorably. On January 17 Holmes moved that the committee investigate the cause which had brought about the resignations and removals of Cabinet officials and ascertain if Van Buren had "participated in any practices disreputable to the national character" and cal-

culated to "smooth the way to his appointment to the high office to which he had been nominated." After some debate, this motion was laid on the table.\* Next day Marcy, of New York, moved that the Senate resume consideration,† and after two days' debate Van Buren's appointment was rejected (January 25) by the casting vote of Calhoun.‡ When the report of the debate was published Van Buren became a martyr to the cause and was to be avenged at the polls. Various indignation meetings were held at which the Senate was denounced; Van Buren's followers in the New York legislature sent a letter of condolence to the President, Jackson's followers in the New Jersey legislature voted that Van Buren's rejection was an act of wanton, unprecedented, and unjustifiable party violence; the New York Democrats rebuked Clay and Webster by name and plainly hinted that Jackson and Van

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\* *Register of Debates*, vol. viii., pt. i., pp. 1310-1386.

† It was during this debate that Marcy said: "It may be, sir, that the politicians of New York are not so fastidious as some gentlemen are, as to disclosing the principles on which they act. They boldly *preach* what they *practice*. When they are not contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office. If they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule that to the victor belongs the spoils of the enemy."—*Niles' Register*, vol. xliii., p. 8.

‡ Schouler, *United States*, vol. iv., pp. 75-76; Parton, *Life of Jackson*, vol. iii., p. 375 *et seq.*; Baueroft, *Martin Van Buren*, pp. 173-177.

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\* Shepard, *Martin Van Buren*, pp. 197-199.



Buren should be the Democratic candidates.\*

The first National convention ever held by the Democratic party assembled at Baltimore on May 21, 1832. After the ballots had been deposited and counted in accordance with rules, it appeared that Van Buren had received 208, Richard M. Johnson 26, and Philip P. Barbour 49. Later in the day Van Buren's nomination was made unanimous.† This selection was unsatisfactory to many Democrats, who refused to abide by the choice of the convention. In March the Pennsylvania Democrats nominated William Wilkins for the Vice-Presidency. In June some of Jackson's friends at Charlottesville, Virginia, repudiated Van Buren and chose Philip P. Barbour,‡ and a week later delegates from eighteen counties of North Carolina endorsed this nomination because of Barbour's hostility to the tariff.||

On May 7, 1832, the Young Men's National Republican Convention (Clay's "Infant school," as the Jacksonian Republicans called it),§

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\* McMaster, vol. vi., p. 143. See also Curtis, *Life of Webster*, vol. i., pp. 422-424; Peck, *The Jacksonian Epoch*, p. 154 et seq.

† Stanwood, *Presidential Elections*, pp. 107-108; Shepard, *Martin Van Buren*, pp. 203-204. Sumner (*Life of Jackson*, p. 273) says Van Buren was nominated by 260 votes out of 326; Parton (p. 421) gives the vote 260, 26, and 40 respectively. The vote as given above is taken from Niles' Register, vol. xlii., p. 234.

‡ Niles' Register, vol. xlii., pp. 303, 304, 339.

|| Stanwood, *Presidential Elections*, pp. 108-109.

§ Schurz, *Life of Clay*, vol. i., p. 380.

assembled at Washington and adopted a series of resolutions (constituting the first formal party platform\*), which demanded protection for American industries and a uniform system of internal improvements supported by the Government. The platform recognized the Supreme Court as the final arbiter in all cases arising under the Constitution and laws of the United States, denounced the spoils system and charged the administration with acting in a manner derogatory to the National character with respect to the disputes over the north-eastern boundary and the arrangement with Great Britain relative to colonial trade.†

Save in South Carolina, the American System scarcely entered into the campaign which followed, the tariff of 1832 being considered as having put that long-mooted issue at rest. Clay sought to bring the new bank charter before the people as the most vital question at issue. In this Jackson was perfectly safe, for the people knew little of and cared less for the bank, and when their political leaders stated that it was "a monster monopoly" and was bent on defeating Jackson, they readily believed it.‡

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\* MacDonald, *Jacksonian Democracy*, p. 194.

† Niles' Register, vol. xlii., pp. 206, 218, 219, 236, 238; Stanwood, *Presidential Elections*, pp. 105-107.

‡ Writing to Dallas, August 26, 1832, Edward Livingston, after noticing "the extravagant applause with which it [the veto] has been received," said: "There are arguments in it that an ingenious critic might plausibly expose, and I am glad that it has only been nibbled at by the

The National Republicans were greatly delighted at the veto and expressed the hope that it would be given the widest publicity, for they thought that nothing would so surely demoralize and scatter the President's followers.\* Owing to Jackson's willingness to accept the boundary line drawn by the King of Holland and to cede a large part of the territory claimed by Maine, the Clay Republicans had high hopes of carrying the State of Maine. But their hopes were dashed to the ground when Maine cast her ten votes for Jackson and Van Buren. The National Republicans in Ohio and New York had fused with the anti-Masonic element, but even this fusion did not save them from defeat. Jackson carried Penn-

sylvania and Virginia, and, to the great surprise of all, obtained over 500 majority in New Jersey. South Carolina gave her 11 votes to John Floyd, of Virginia, and Henry Lee, of Massachusetts; Vermont gave her 7 votes to Wirt and Ellmaker; while Pennsylvania cast her 30 electoral votes for Wilkins as Vice-President. The other electoral votes were divided between Jackson and Clay as follows:\*

Number of electoral votes.	STATES.	President.		Vice-President.	
		Andrew Jackson, Tennessee.	Henry Clay, Kentucky.	M. Van Buren, New York.	John Sergeant, Pennsylvania.
10	Maine.....	10	.....	10	.....
7	New Hampshire.....	7	.....	7	.....
14	Massachusetts.....	.....	14	.....	14
4	Rhode Island.....	.....	4	.....	4
8	Connecticut.....	.....	8	.....	8
7	Vermont.....	.....	.....	.....	.....
42	New York.....	42	.....	42	.....
8	New Jersey.....	8	.....	8	.....
30	Pennsylvania.....	30	.....	.....	30
3	Delaware.....	.....	3	.....	3
10	Maryland.....	.....	5	.....	5
23	Virginia.....	23	.....	23	.....
15	North Carolina.....	15	.....	15	.....
11	South Carolina.....	.....	.....	.....	.....
11	Georgia.....	11	.....	11	.....
15	Kentucky.....	.....	15	.....	15
15	Tennessee.....	15	.....	15	.....
21	Ohio.....	21	.....	21	.....
5	Louisiana.....	5	.....	5	.....
4	Mississippi.....	4	.....	4	.....
9	Indiana.....	9	.....	9	.....
5	Illinois.....	5	.....	5	.....
7	Alabama.....	7	.....	7	.....
4	Missouri.....	4	.....	4	.....
288	Total.....	219	49	189	49

editors. Is this concert? Or what can be the reasons of this forbearance? I dreaded an immediate attack. Our friends have lost no time in taking off its force by anticipating the public opinion."—*Hunt, Life of Edward Livingston*, pp. 370-371.

\* Writing to Dallas, Biddle said: "My impression is that it [the veto] is working as well as the friends of the bank and of the party could desire. \* \* \* As to the veto message, I am delighted with it. It has all the fury of a chained panther, biting the bars of his cage. It is really a manifesto of anarchy, \* \* \* and my hope is, that it will contribute to relieve the country from the dominion of these miserable people."—*Private Correspondence of Henry Clay*, p. 341.

\* Stanwood, *Presidential Elections*, pp. 111-112; Schouler, *United States*, vol. iv., p. 553; *Register of Debates*, vol. ix., pt. ii., p. 1723; Benton, *Abridgment*, vol. xii., p. 168.

## CHAPTER V.

1832-1834.

## NULLIFICATION IN SOUTH CAROLINA.

Speeches and letters of South Carolinians on nullification — Passage of the nullification ordinance — Measures enacted by the South Carolina legislature — Action of the Government — Jackson's message to Congress — The proclamation to the nullifiers — Resolutions of the South Carolina legislature — Passage by Congress of the Force Bill and the compromise tariff — The suspension of the nullification ordinance — Subsequent action by the legislature. Appendix to Chapter V.— The South Carolina Ordinance of Nullification.

South Carolina took very little interest in the Presidential election, for a convention had been called for to nullify the tariff. On July 13, 1832, immediately after the passage of the tariff bill, those members of the South Carolina delegation in Congress who favored nullification (Hayne, Miller, McDuffie, Barnwell, and others) told their constituents that the issue was in their hands and that it was for them to decide whether they would suffer or resist an invasion of their rights and liberties.\* On July 25, at a public dinner Judge A. S. Clayton said: "You will naturally inquire what is to be done? Submit? Certainly not. No freemen will submit. I advise, then, the most peaceful remedy, and strange as to some it may seem I advise nullification."† Writing to Gouverneur, Calhoun said:

"I feel the deepest conviction that our politics must take a new direction, and that the government must be thoroughly reformed in every department within the next four years,

or our splendid political experiment will fail, and with it the best hopes of the human race."

To the promoters of a "free trade and State rights" feast, on May 14, 1832, he wrote:

"I do most sincerely believe that the cause of Carolina is the cause of the Constitution, of liberty and of the Union. My opinion has not been hastily formed. It is the result of much reflection and long observation, and I am prepared to test its sincerity by sharing the fate of the State, be it what it may. Our government is clearly tending towards consolidation; and on consolidation, corruption, oppression, and finally monarchy must closely press. There is but one remedy, but I trust that it is sufficient to avert such calamities — the reserved rights of the States. They are the only solid foundation of American liberty. On this rock our fathers placed it, and there let us be prepared to maintain it."\*

Pamphlets, tracts and speeches advocating nullification were sent broadcast and Governor Hamilton requested Calhoun to elaborate in a letter the principles and consequences of the doctrine. The latter complied at once and assured the people of the State that nullification was "the great conservative principle" of the Union and that it would be impossible for the

\* *Niles' Register*, vol. xlii., pp. 412-414; Hunt, *Life of Calhoun*, pp. 147-148; Schouler, *United States*, vol. iv., p. 89.

† *Niles' Register*, vol. xlii., p. 419.

\* *Niles' Register*, vol. viii., p. 373.



general government to resist it.\* The Union and State rights party stoutly resisted such a course of action and combated the doctrine itself in every way possible. In September of 1832 a convention was held at Columbia at which nullification was condemned and assurances given that the Union party was ready to join the Free Trade and State rights party in any constitutional effort to procure a redress of grievances.†

After the election the current of popular opinion was strongly the other way, and more than two-thirds of both branches of the legislature were in favor of the nullification doctrine, the Unionists polling only 17,000 votes to 23,000 for the nullifiers.‡ Governor Hamilton called a special session of the legislature,|| and when that body convened on October 22 the tariff question was warmly discussed, with the result that on October 26 the Senate by a vote of 30 to 13 and the House by a vote of 96 to 25 called a State convention to meet at Columbia on November 19.§ On that day 136

nullifiers and 26 Union men met and chose Governor Hamilton as the chairman of the meeting.\* As the president and 112 members made a quorum, the Union men were not even a respectable minority. A committee of 21 was appointed to devise means of redress and to indicate the proper plan of action should the National government attempt to collect the tariff duties. The committee quickly reported an ordinance of nullification, an address to the people of South Carolina, and another to the people of the country.† Each of these was adopted by a vote of 136 to 26 and November 24 was fixed as the day when the engrossed copy of the ordinance should be signed. After the ceremony had been completed, the president arose and declared that the ordinance had been adopted and ratified by the people of the State assembled in their highest sovereign capacity. The convention then adjourned, subject to the call of the president at any time prior to November of 1833.‡

\* Houston, *Nullification in South Carolina*, pp. 108-110.

† Houston, *Nullification in South Carolina*, p. 110. For text see *Niles' Register*, vol. xliii., pp. 219-220, 231-239; *Register of Debates*, vol. ix., pt. ii., app., pp. 154-172.

‡ *Niles' Register*, vol. xliii., pp. 276-278; Hunt, *Life of Calhoun*, p. 153 *et seq.* For text see *Senate Doc.*, 22d Congress, 2d session, pp. 36-39; McMaster, vol. vi., pp. 148-150; MacDonald, *Select Documents*, 268-271; *Niles' Register*, vol. xliii., p. 219; and appendix at the end of the present chapter. On the controversy in general see Jervcy, *Robert Y. Hayne and His Times*, pp. 319-320; Benton, *Thirty Years' View*, vol. i., chaps. lxxviii., lxxvii.-lxxxix.; Stephens, *War Between the States*, vol. i., pp. 419-543. The

\* For Calhoun's letter on State rights to Governor Hamilton, see his *Works*, vol. xi., pp. 144-193; Jenkins, *Life of Calhoun*, pp. 195-232; *Niles' Register*, vol. xl., pp. 437-445. A resumé is given in Von Holst, *Constitutional and Political History*, vol. i., p. 431 *et seq.* See also Von Holst, *Life of Calhoun*, p. 98.

† *Niles' Register*, vol. xliii., pp. 66, 87-88.

‡ Hunt, *Life of Calhoun*, p. 152; Houston, *Nullification in South Carolina*, p. 107.

|| *Niles' Register*, vol. xliii., p. 135.

§ *Niles' Register*, vol. xliii., pp. 152, 173-175; Jenkins, *Life of Calhoun*, p. 243; Jervcy, *Robert Y. Hayne and His Times*, p. 318; Houston, *Nullification in South Carolina*, pp. 107-108.

The ordinance declared the tariff acts of May 19, 1828, and July 14, 1832, null and void and no longer binding within the limits of the State. It fixed February 1, 1833, as the day whereon nullification should go into effect, and requested the legislature to enact such laws as were necessary to put the ordinance into effect.\* All persons holding any official position, save the legislators, were required to take an oath that they would obey the ordinance and such acts as the legislature passed to enforce it, while the National government and the people of the other States were warned against any attempt to employ force to reduce the State to submission. Any act passed by Congress the intent of which was to coerce the State, to close her ports, or to destroy her commerce, would be considered a just cause for secession, whereupon the people of the State would form a separate government and perform such duties as belong to an independent and sovereign State.†

Some feared that Jackson would call out the troops and take forcible possession of the seaports to secure the revenue, but Webster asserted that the President had no authority to blockade Charleston or to employ military force until duly requested by the

civil authorities or compelled to do so by law. It was his duty to see that the laws were executed and that the authority of the civil government was upheld, but this could only be done in compliance with the law and by following the decisions of the proper tribunals. In a speech at Worcester, Massachusetts, on October 12, Webster declared that he did not favor the unauthorized use of an armed force under the pretense of putting down nullification.\* On the other hand, Governor Hamilton, of South Carolina, was quite sure that Jackson would use force. In his message to the legislature which assembled November 27, 1832, he said that, while the State intended to follow peaceful means to enforce their nullification doctrine, he still thought it best that 2,000 volunteers be raised to hold Charleston, that 10,000 State troops be raised to defend the State as a whole, that money be appropriated to mount heavy guns, and that Jackson be requested to remove the United States troops from the capital of the State.† The legislature promptly responded. A law was passed permitting owners of goods which had been attacked because of non-payment of duties to recover them by a writ of replevin. In case the custom officials

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proceedings of the nullification convention will be found in *State Papers on Nullification*, (Mass. Gen. Court Misc. Doc., 1834); Johnston, in *Lalor's Cyclopædia*, vol. ii., pp. 1050-1055.

\* Sumner, *Life of Jackson*, pp. 281-282.

† Von Holst, *Constitutional and Political History*, vol. i., pp. 476-477.

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\* *Niles' Register*, vol. xliii., p. 186; McMaster, *Life of Webster*, p. 199.

† *Niles' Register*, vol. xliii., pp. 259-260; *Register of Debates*, vol. ix., pt. ii., app., pp. 172-176; Houston, *Nullification in South Carolina*, pp. 111-112; Hunt, *Life of Calhoun*, p. 157; Parton, *Life of Jackson*, vol. iii., p. 459.

should refuse, the sheriff was authorized to levy on their private property to an amount double that of the goods detained. Moreover, those who opposed the execution of this law would be punished by fine and imprisonment. Similar punishments were provided for those who aided the judgments of Federal courts based on the efficacy of the nullified laws. An oath was prescribed to support the nullification ordinance and the governor was empowered to put the State in a condition of defence and to use the armed forces if necessary.\*

Jackson was informed by Poinsett that the Union men needed aid to carry out their determination to uphold the National laws and oppose nullification.† The Government should send more troops to Charleston, should provide plenty of ammunition, and should turn every nullifier out of office. Accordingly Jackson directed Secretary of War Cass to prepare the forts in the harbors for a siege and to send troops there. On November 7 additional troops were sent to Fort Moultrie, on the 18th General Winfield Scott was directed to proceed to Charleston,‡ troops were assembled

at Augusta, and two vessels were detailed to coöperate with the forts in the event of an attack.\* It was provided, however, that, should the State resist, the collector of the port might establish a custom house at Castle Pinckney, where he was to be protected in the discharge of his duty.† As a further precaution, the arms and ammunition in Castle Pinckney were at Poinsett's disposal.

Soon afterward Congress assembled. In his message of December 4, 1832, greatly to the amazement of the people, Jackson practically ignored the situation in South Carolina. While he admitted that in one section of the country opposition to the revenue laws had arisen, he believed that the good sense of the people would soon prevail over any obstructions that might be thrown in the way of the legal operations of the Government.‡ In the meantime, since the public debt was nearly extinguished, he recommended a further reduction of duties. This advice was warmly seconded by the Secretary of the Treasury, McLane, who in his annual report expressed the belief that a protective tariff was not so needful now

\* Houston, *Nullification in South Carolina*, pp. 112-113; Von Holst, *Constitutional and Political History*, vol. i., pp. 477-478; Hunt, *Life of Calhoun*, p. 158. For text see *Niles' Register*, vol. xliii., pp. 327-328, 347-348; *Register of Debates*, vol. ix., pt. ii., app., pp. 177-180.

† Houston, *Nullification in South Carolina*, p. 114.

‡ McLaughlin, *Life of Cass*, p. 143; Smith, *Life and Times of Lewis Cass*, p. 269 *et seq.*; see also *American State Papers, Military Affairs*, vol. v., p. 159.

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\* Sumner, *Life of Jackson*, p. 282. The various orders are in *Register of Debates*, vol. ix., pt. ii., app., pp. 197-200.

† See McLane's letter of November 6 to Pringle, in *Register of Debates*, vol. ix., pt. ii., app., pp. 187-189.

‡ Richardson, *Messages and Papers*, vol. ii., pp. 591-606; *Register of Debates*, vol. ix., pt. ii., app., pp. 2-8; Benton, *Abridgment*, vol. xii., pp. 3-10. See also Peck, *The Jacksonian Epoch*, p. 194; *Niles' Register*, vol. xliii., pp. 243-248.



as it had been a year before.\* The Jacksonian members of Congress were greatly pleased at the conciliatory tone of the message, but the followers of Clay and Webster were greatly dismayed. Adams said that the message "goes to dissolve the Union into its original elements, and is in substance a complete surrender to the nullifiers of South Carolina."† Clay said that the message was "ultra on the side of state rights."‡ Nevertheless the President was fully alive to the conditions in South Carolina, and on December 10, 1832, amazed the country by issuing a proclamation to the people of that State.¶ From that mo-

ment his position could not be doubted. In this proclamation he said:

"The Constitution of the United States forms a government, not a league; and whether it be formed by a compact between the States or in any other manner its character is the same. \* \* \* I consider the power to annul a law of the United States, assumed by one State, incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, and destructive of the great object for which it was formed. \* \* \* To say that any State may at pleasure secede from the Union is to say that the United States are not a nation, because it would be a solecism to contend that any part of a nation may dissolve its connection with the other parts, to their injury or ruin, without committing any offense. Secession, like any other revolutionary act may be morally justified by the extremity of oppression; but to call it a constitutional right is confounding the meaning of terms, and can only be done through gross error or to deceive those who are willing to assert a right, but would pause before they made a resolution or incur the penalties consequent on a failure."

\* Schonler, *United States*, vol. iv., p. 94.

† Morse, *John Quincy Adams*, p. 235. See also Schouler, *United States*, vol. iv., p. 95.

‡ Schurz, *Life of Clay*, vol. ii., pp. 7-8. But he said that the proclamation was an "ultra-Federal black cockade." (*Letters and Times of the Tylers*, vol. iii., p. 75.)

¶ Richardson, *Messages and Papers*, vol. ii., pp. 640-656; *Niles' Register*, vol. xliii., pp. 260-264; *Senate Doc.* 30, 22d Congress, 2d session, pp. 78-92; *Register of Debates*, vol. ix., pt. ii., app., pp. 181-186. Excerpts are given in MacDonald, *Selected Documents*, pp. 274-283. There seems to be a dispute as to the date of this proclamation. In the *Statesman's Manual*, vol. ii., pp. 890-903, and in Jackson's message of January 16, 1833 (as given in *ibid.*, vol. ii., p. 904 *et seq.*), in Parton, *Life of Jackson*, vol. iii., p. 467, and in Houston, *Nullification in South Carolina*, p. 117, the date is given December 11. In Richardson and Niles as above cited and in the message of January 16 as given in Richardson (p. 610 *et seq.*) the date is given as in the text. In Benton, *Thirty Years' View*, vol. i., p. 299; Curtis, *Life of Webster*, vol. i., pp. 433, 465; Hunt, *Life of Edward Livingston*, p. 371; McMaster, vol. vi., p. 157, and in other works the date is given as the 10th. This can hardly be explained unless for some reason the dates in both documents have been changed. Hunt (*Life of Livingston*, pp. 371-381) claims the

Throughout the country and especially in the North the President's words were received with unqualified approval.\* At a meeting of Boston anti-nullifiers Webster declared that the proclamation was both timely and wise, that its principles were true to the Constitution, and that in meeting the crisis the President would have his hearty coöperation.† In the South, however, the proclamation was received with both anxiety and contempt. The proclamation was sent

authorship for Livingston. Regarding this, however, see Brady, *The True Andrew Jackson*, p. 329 *et seq.*; Parton, *Life of Jackson*, vol. iii., p. 466.

\* Sumner, *Life of Jackson*, p. 283; Rhodes, *United States*, vol. i., p. 47; Houston, *Nullification in South Carolina*, pp. 118-119.

† McMaster, *Life of Webster*, pp. 202-203.

broadcast throughout South Carolina, together with letters explaining its purpose. Among these letters were two from Jackson and Livingston to Poinsett. Jackson assured Poinsett that every possible means would be employed to put down the nullification movement; that he considered the conduct of the chief executive of the State and of the convention as treasonable; and that he waited only for the arrival of copies of the acts of the legislature to ask Congress for the necessary power to make the proclamation effective. Livingston in his letter entered into a lengthy explanation of the reasons for issuing the proclamation.\*

When the proclamation was received at Columbia, a member of the legislature promptly called the latter's attention to this document. In laying the proclamation before the House, he made a bitter speech and introduced a resolution, requested the governor to issue a counter-proclamation exhorting the people to give no heed to Jackson's menaces, and urged the governor to put the State in readiness to defend its liberties against arbitrary measures.† On reading the first part of the proclamation great indignation was expressed, but when Jackson began to admonish the people of the State as children, his words only excited derisive laughter.‡ Jackson had said: "Fellow-citizens of my native State; let me not only admon-

ish you as the first Magistrate of our common country, not to incur the penalty of its laws, but use the influence that a father would over his children whom he saw rushing to certain ruin. In that paternal language, with that paternal feeling, let me tell you," etc. This part of the proclamation, as just stated, was treated with contempt. One member said that "the principles thus avowed \* \* \* were not less new and startling than was the mode of announcing them. Who and whose are we? Are we Russian serfs or slaves of a divan?" Another member said that the contest "would end in blood. The document of the President was none less than the edict of a tyrant." The resolutions introduced were adopted by the House on December 20 by a vote of 90 to 24, every Union man voting nay.\* These resolutions declared that the President had no authority to interfere in the internal affairs of the State; that his power to issue proclamations could not be used to flaunt before the public his opinions regarding the Constitution; and that the Constitution did not give him power to direct a State by proclamation to repeal its legislation; that his opinion regarding State rights was improper and dangerous; that the primary allegiance of the citizens is due to the State; and that

\* McMaster, *United States*, vol. vi., p. 158.

† Niles' Register, vol. xliii., pp. 287-288.

‡ Parton, *Life of Jackson*, vol. iii., p. 470.

\* Niles' Register, vol. xliii., pp. 288, 300. See also Parton, *Life of Jackson*, chap. xxxiv.; Benton, *Thirty Years' View*, vol. i., chap. lxxix; Houston, *Nullification in South Carolina*, pp. 119-120; Ames, *State Documents on Federal Relations*, no. iv., pp. 42-44.

South Carolina would maintain her liberty at all hazard and repel force with force.\* The Senate quickly concurred, and on December 20 Hayne, who had then become governor,† issued a counter-proclamation.‡ As Hayne's seat in the Senate was then vacant, this office was bestowed on Calhoun, who thereupon resigned the Vice-Presidency and took his seat in the legislative body.|| Hayne had

\* *Register of Debates*, vol. ix., pt. i., pp. 80-81.

† Jervey, *Robert Y. Hayne and His Times*, p. 321; *Niles' Register*, vol. xliii., p. 266. In his inaugural address Hayne said: "After ten years of unavailing remonstrance, in common with the Southern States, South Carolina has in the face of her sisters of the confederacy and the world put herself upon her sovereignty. She has declared in the most solemn manner, that the acts of Congress, imposing duties on the importation of foreign commodities for the protection of manufacturers, shall not be enforced within her borders. \* \* \* She was compelled to assert her just rights or sink into a state of colonial vassalage. \* \* \* She is anxiously desirous of peace; she has no wish to dissolve the political bonds which connect her with the other States; but, with Thomas Jefferson, she does not regard the dissolution of the Union as the greatest of evils; she regards one as greater, viz., submission to a government of unlimited power. \* \* \* She appeals to the Constitution, as it was originally adopted, not as it is at present converted into an instrument of oppression. \* \* \* She will regard any attempt to force her into submission as severing the tie which connects her with the confederated States."—*Niles' Register*, vol. xliii., pp. 278-279; *Register of Debates*, vol. ix., pt. ii., app., pp. 176-177.

‡ See *Senate Doc.* 30, 22d Congress, 2d session; *Register of Debates*, vol. ix., pt. ii., app., pp. 190-196; *Niles' Register*, vol. xliii., pp. 308-312. See also Parton, *Life of Jackson*, vol. iii., p. 470; Hunt, *Life of Calhoun*, pp. 170-171; Jervey, *Robert Y. Hayne and His Times*, p. 330 *et seq.*

|| Hunt, *Life of Calhoun*, p. 159; Von Holst, *Life of Calhoun*, p. 104; Pinckney, *Life of Calhoun*, p. 59; Sumner, *Life of Jackson*, p. 284; Jenkins, *Life of Calhoun*, pp. 245-247.

done everything in his power to put the State in an attitude of defence. After the passage of the militia act by the State legislature the enrolling of volunteers began, and soon as many as 20,000 had presented themselves. Arsenals and depots were established at various places and drilling of troops became the order of the day.\*

Before calling upon Congress to grant him power to collect the revenue by force, Jackson thought best to procure authentic copies of the test oath and replevin act and, on January 16, as these had not come, he sent a special message to Congress asking that body to grant him sufficient power to execute the laws in South Carolina.† The message was immediately sent to the Senate Committee on the Judiciary,‡ which on January 21 through Wilkins, of Pennsylvania, reported a bill, known as the "Revenue Collection Bill" or the "Force Bill" for the collection of duties on imports.|| Being thoroughly frightened by Jackson's action,§ Calhoun, on January 22, 1833, proposed a series of resolutions to the Senate, for the purpose, he said,

\* Houston, *Nullification in South Carolina*, p. 121.

† Richardson, *Messages and Papers*, vol. ii., pp. 610-632; *Register of Debates*, vol. ix., pt. ii., app., pp. 145-146; Benton, *Abridgment*, vol. xii., pp. 13-23; *Niles' Register*, vol. xliii., pp. 339-344. See also Von Holst, *Constitutional and Political History*, vol. i., pp. 486-487.

‡ *Register of Debates*, vol. ix., pt. i., p. 101.

|| *Ibid.*, pp. 244-246; *Niles' Register*, vol. xliii., pp. 354-355 and sup., pp. 46-48.

§ Curtis, *Life of Webster*, vol. i., p. 443; Parton, *Life of Jackson*, vol. iii., p. 474.



of testing the principles of the Force Bill.\* These resolutions were merely an expression of the old view of the State sovereignty principle, and still they involved the whole principle of nullification. He defined the Constitution as a compact uniting the people of the various States, said that the Union was a union between the States which ratified the constitutional compact, and added that while the States had delegated to the Government certain definite powers to be executed jointly, each State reserved to itself "the residuary mass of powers to be exercised by its own separate government." The assumption of powers not delegated to it by the compact made the act of Congress unauthorized, void, and of no effect, each State having an equal right to judge for itself, as well of the infraction as of the mode and measure of redress, all the States being "sovereign parties without any common judge." He denied that the Union was based on a social compact of the people "taken collectively as individuals," and that "they have not the right of judging, in the last resort, as to the extent of powers reserved; and, of consequence, of those delegated," because the tendency of those opinions was to "subvert the sovereignty of the States, to destroy the Federal character of the Union, and to rear on its ruins a consolidated government,

without constitutional check or limitation, and which must necessarily terminate in the loss of liberty itself."\*

The resolutions were ordered printed, and on the following day, Grundy, on behalf of the Administration, offered a series of counter-resolutions,† asserting that the United States possessed ample power to levy a duty on imports and denying that any State possessed the right to obstruct or to attempt to obstruct the execution of any acts of Congress. The tariff laws of 1828 and 1832 were enactments by the supreme legislative power of the Government, no matter whether they were just or unjust, politic or impolitic, and therefore any attempt by a State to nullify these tariff acts was an encroachment on the rights of the general government and dangerous to American political institutions. On January 25 John M. Clayton, one of the opposition Senators, said that these resolutions tacitly yielded the whole doctrine of nullification. He submitted an additional resolution, setting forth the real reply to Calhoun's statement. This resolution was as follows:

"Resolved: That the power to annul the several acts of Congress imposing duties on imports, or any other law of the United States,

\* The resolutions are given in Jenkins, *Life of Calhoun*, pp. 248-249; Curtis, *Life of Webster*, vol. i., p. 439. For Calhoun's speech see his *Works* (ed. 1853), vol. ii., pp. 197-309; *Niles' Register*, vol. xliii., pp. 383-384. See also Hunt, *Life of Calhoun*, pp. 179-180.

† *Niles' Register*, vol. xliii., p. 355; *Register of Debates*, vol. ix., pt. i., pp. 192-193; Benton, *Abridgment*, vol. xii., p. 24.

\* *Niles' Register*, vol. xliii., p. 355; *Register of Debates*, vol. ix., pt. i., p. 191; Benton, *Abridgment*, vol. xii., pp. 23-24.

when assumed by a single State, is incompatible with the existence of the Union, contradicted expressly by the letter of the Constitution, unauthorized by its spirit, inconsistent with every principle on which it was founded, and destructive of the great object for which it was formed; that the people of the United States are, for the purposes enumerated in their constitution, one people and a single nation, having delegated full power to their common agents to preserve and defend their national interests for the purpose of attaining the great end of all government—the safety and happiness of the governed; that while the Constitution does provide for the interest and safety of all the States, it does not secure all the rights of independent sovereignty to any; that the allegiance of the people is rightfully due, as it has been freely given, to the General Government, to the extent of all the sovereign power expressly ceded to that Government by the Constitution; that the Supreme Court of the United States is the proper and only tribunal as the last resort for the decision of all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority; that resistance to the laws, founded on the inherent and inalienable right of all men to resist oppression, is in its nature revolutionary and extra-constitutional; and that, entertaining these views, the Senate of the United States, while willing to concede everything to any honest difference of opinion which can be yielded consistently with the honor and interest of the nation, will not fail, in the faithful discharge of its most solemn duty to support the execution in the just administration of the Government, and clothe it with all constitutional power necessary to the faithful execution of the laws and the preservation of the Union.”\*

Debate began on the Force Bill late in January of 1833.† As the discussions went on it became evident that even the President's steadfast friends could not be relied upon to

support the measure. The Democrats attacked it bitterly, saying that it gave the President discretionary power to make war, made him sole judge of the Constitution, sacrificed everything to arbitrary power, was as bad as the Sedition Act and worse than the Boston Port Bill. The position of the Administration party was becoming more critical every day, when on February 8 Webster came to its relief and announced his determination to support the measure. He said that the country was in considerable danger from an unlawful combination which was threatening the integrity of the Union. The vast majority of the people demanded that those entrusted with the conduct of the Government should maintain it by every lawful means in their power, and that he for one would obey the demands of the people.\*

As it was certain that Webster would take a prominent part in the struggle over the Force Bill, Calhoun and the nullifiers turned to Clay for aid.† The Kentuckian would not support of the Force Bill but was ever ready to save the protective system which he believed to be threatening speedy ruin and to keep South Carolina in the Union by peaceable means. He knew that in order to do this a compromise must be effected.

\* *Niles' Register*, vol. xliii., p. 372; *Register of Debates*, vol. ix., pt. i., pp. 231–232; Benton, *Abridgment*, vol. xii., p. 27.

† The debate and numerous documents connected with it are in *Niles' Register*, vol. xliii., sup., p. 45 *et seq.*; *Register of Debates*, vol. ix., pt. i., p. 236 *et seq.*

\* Curtis, *Life of Webster*, vol. i., pp. 440–443; Benton, *Thirty Years' View*, vol. i., p. 343; McMaster, *Life of Webster*, pp. 205–206; Schouler, *United States*, vol. iv., pp. 101–103; *Register of Debates*, vol. ix., pt. i., p. 411.

† *Memoirs of J. Q. Adams*, vol. viii., p. 524.

This must come in the shape of a revision of the tariff which, while it would continue the protective system, would yield enough to satisfy the nullifiers. For some time a bill to accomplish this had been lying on his desk, and on February 12 he asked leave of the Senate to introduce a bill "to modify the act of July 14, 1832, and other acts imposing duties on all imports."\* The bill provided, first: that from all duties in excess of 20 per cent. of the value of such goods laid by the act of July 14, 1832, or any other act, 10 per cent. of the excess should be deducted on September 30 of each of the years 1833, 1835, 1837 and 1839; and one-half of the remaining excess in each of the years 1841 and 1842. Second: subject to the above deductions, the duty on woolens valued at not more than 35 cents per square yard was increased from 5 to 50 per cent. Third: until September 30, 1842, the duties imposed by existing laws as modified by this bill should continue to be collected, and after that date all duties should be "laid for the purpose of raising such revenue as may be necessary to an economical administration of the government," should be uniform, at the rate of 20 per cent. on all articles save those free of duty, and should be collected in ready money. Fourth: after September,

1833, several articles were to be free, and in 1842 a long list of articles was to be admitted free.\*

Forsyth objected that the object of this bill was to raise revenue and that therefore it could not originate in the Senate,† but Clay silenced opposition by assuring the Senate that the intent of his bill was not to reduce but to raise revenue and therefore permission to introduce it was given.‡ Debate on the Force Bill was then resumed, the general discussion continuing for some time, after which the Senate began to amend the bill by striking out and adding phrases here and there. On February 15 and 16 Calhoun explained the bill section by section, making a speech which lasted the greater part of two days,|| but his speech was disappointing to his friends§ and was quite effectively answered the next day by Webster in a speech he called "The Constitution Not a Compact between Sovereign States."¶ On February 20, 1833,

\* Stanwood, *Tariff Controversies*, vol. i., p. 398.

† *Register of Debates*, vol. ix., pt. i., p. 473.

‡ *Ibid*, pp. 480-481.

|| See *Ibid*, pp. 519-553; Benton, *Abridgment*, vol. xii., pp. 91-100. See also Calhoun's *Works* (ed. 1853), vol. ii., pp. 197-309; Jenkins, *Life of Calhoun*, pp. 251-300. For a resumé of his arguments see Stanwood, *Tariff Controversies*, vol. i., p. 398 *et seq.*; Rhodes, *United States*, vol. i., pp. 50-51; Von Holst, *Constitutional and Political History*, vol. i., p. 487 *et seq.*

§ Pinckney, however (*Life of Calhoun*, p. 60 *et seq.*), thinks it the greatest speech of his career.

¶ See his *Works* (ed. 1857), vol. iii., pp. 448-505; *Register of Debates*, vol. ix., pt. i., pp. 553-587; Benton, *Abridgment*, vol. xii., pp. 100-110. See also Curtis, *Life of Webster*, vol. i., p. 450 *et seq.*; Lodge, *Life of Webster*, pp. 213-218 *et*

\* *Register of Debates*, vol. ix., pt. i., pp. 462-474, 481; Benton, *Abridgment*, vol. xii., pp. 81-84; Schurz, *Life of Clay*, vol. ii., pp. 9-10; Clay, *Life of Clay*, p. 209; Peck, *The Jacksonian Epoch*, p. 203; Niles' *Register*, vol. xliii., p. 411.



when the vote was taken, 32 Senators answered yea, but only one (John Tyler, of Virginia) answered in the negative, for all opposed to the measure made haste to leave the chamber.\* The tariff bill submitted by Clay was then taken under consideration, but a number of the Senators, including Webster and Benton, denied that the Senate possessed the constitutional right to originate such a bill, and therefore would not give it their votes.† Clay, however, had provided for this emergency.

In his message at the beginning of the session the President had urged upon Congress the necessity of revising the tariff, both for the purpose of adapting the revenue to the expenditures, to limit the protection afforded by the imposts to any branch of National industry so that it should not exceed what might be necessary to counteract the regulations of the other nations and to secure "a supply of those articles of manufacture

essential to the national independence and safety in time of war." He said that the perpetual protection secured by the tariff of high duties imposed for that special object had scarcely entered the minds of American statesmen. "The most they have anticipated is a temporary and, generally, incidental protection, which they maintain has the effect to reduce the price by domestic competition below that of the foreign article. Experience, however, our best guide on this as on other subjects, makes it doubtful whether the advantages of this system are not counterbalanced by many evils, and whether it does not tend to beget in the minds of a large portion of the countrymen a spirit of discontent and jealousy dangerous to the stability of the Union."\*\* Therefore, early in the session, the House took the matter under consideration and referred that part of the President's message to the Committee of Ways and Means. On December 27 the committee reported a tariff bill through Gulian C. Verplanck, of New York, which was known to be an Administration measure, having the approval of the Secretary of the Treasury.‡

The bill proposed a diminution of the duties on all protected articles, but left from 15 to 20 per cent. for

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seq.; McMaster, *Life of Webster*, pp. 210-216; Rhodes, *United States*, vol. i., pp. 51-52. Curtis (*Constitutional History of the United States*, vol. ii., p. 17) calls this the best and clearest exposition of the Constitution as a fundamental law, in opposition to the doctrine of compact between sovereignties, that Webster has left us.

\* *Register of Debates*, vol. ix., pt. i., p. 688; Schouler, *United States*, vol. iv., p. 103; Sumner, (*Life of Jackson*, p. 289) gives the vote 32 to 8. This, however, was on the question of passing the bill to a third reading.

† Stanwood, *Tariff Controversies*, vol. i., pp. 402-406; Curtis, *Life of Webster*, vol. i., pp. 452-453. For the debate, see *Register of Debates*, vol. ix., pt. i., pp. 690-750; Benton, *Abridgment*, vol. xii., pp. 111-120.

\* Richardson, *Messages and Papers*, vol. ii., p. 598.

‡ For text of bill and report, see *Register of Debates*, vol. ix., pt. i., pp. 958-962, pt. ii., app., pp. 39-41.

protective purposes.\* In the act of 1832 the duty on wool costing more than 32 cents was 4 cents per pound and 40 per cent. *ad valorem*, but in the new bill was to be 35 per cent., without a specific duty, until March of 1834; was to be 25 per cent. for the next year; and after March 2, 1835, was to be 20 per cent. All duty on woolen manufactures was reduced from 50 per cent. to 40 per cent. for one year, 30 per cent. for the next year, and thenceforth 20 per cent. Cotton goods were to be cut down to 20 per cent., and the minimum was to be abolished after 1834. The duty on iron and its manufactures was to be reduced after one year by 20 per cent.; and the rates on sugar, molasses, salt, hemp, cordage and some other articles were reduced.†

Nothing could induce the House to act promptly. January passed in tedious debate on the Verplanck bill,‡ and February was almost gone when, on February 25, Robert P. Letcher, of Kentucky, suddenly and without giving previous notice of his intention, moved that all of the Verplanck bill save the enacting clause be stricken out and that Clay's com-

promise measure be inserted instead.\* This took the representatives of the Northern manufacturing districts completely by surprise, but they protested in vain. Under the lead of Letcher, the House majority quickly consummated the business by recommitting the pending bill to the Committee of the Whole, with instructions to report the compromise measure in place of the Verplanck bill.† This was done by a vote of 105 to 71. Clay's bill was ordered to be engrossed for a third reading on the following day.‡ This was done and the bill was passed on February 26 by a vote of 119 to 85.¶ It was then sent to the Senate, which body laid Clay's bill on the table and on March 1 passed the House bill by a vote of 29 to 16.§ On the following day the bill received the approval of the President.¶ The compromise tariff bill provided that at the end of the year then current all *ad valorem* duties of more than 20 per cent. should be reduced one-tenth, and at the end of each alternate year until

\* Parton, *Life of Jackson*, vol. iii., p. 481.

† Schouler, *United States*, vol. iv., p. 107.

‡ *Register of Debates*, vol. ix., pt. ii., pp. 1772-1780.

§ *Register of Debates*, vol. ix., pt. ii., pp. 1780-1811; Benton, *Abridgment*, vol. xii., pp. 175-181; Von Holst, *Constitutional and Political History*, vol. i., pp. 496-499; Schurz, *Life of Clay*, vol. ii., pp. 14-19.

¶ *Register of Debates*, vol. ix., pt. i., pp. 785-808; Benton, *Abridgment*, vol. xii., pp. 120-123.

¶ Stanwood, *Tariff Controversies*, vol. i., pp. 406-410; Peck, *The Jacksonian Epoch*, pp. 209-210. For Benton's secret history of the Compromise of 1833, see his *Thirty Years' View*, vol. i., pp. 342-344.

\* *Niles' Register*, vol. xliii., pp. 290-291, 305-307; Bishop, *History of Manufactures*, vol. ii., pp. 373-374; Schouler, *United States*, vol. iv., p. 96.

† Stanwood, *Tariff Controversies*, vol. i., p. 391 *et seq.*

‡ For the debate, see *Register of Debates*, vol. ix., pt. i., pp. 948-950, 958-998, 1022-1082, 1089-1263, 1273-1311, pt. ii., pp. 1313-1522, 1529-1564, 1573-1575, 1579-1664, 1681, 1688-1707, 1728-1743, 1748-1755, 1761; Benton, *Abridgment*, vol. xii., pp. 133-166.

1839 the present excess above 20 per cent. was to be cut down one-tenth. One-half of the remaining excess was to be taken off at the end of 1841, and the other half at the end of June of 1842, thus leaving a maximum of 20 per cent.\* The bill provided also for the abolition of credit for duties and the assessment of the value of imports at the port of entry or home valuation after June 30, 1842.† On the same day that the Senate passed the compromise tariff bill the House passed the Force Act by a vote of 149 to 48.‡ Both bills received the President's approval on the same day (March 2).||

Thus South Carolina had triumphed.§ The fate of the two bills,

\* Taussig, *Tariff History*, pp. 110-111.

† Bishop, *History of Manufactures*, vol. ii., pp. 374-375.

‡ For the debate see *Register of Debates*, vol. ix., pt. ii., pp. 1766-1772, 1811, 1817-1898, 1903; Benton, *Abridgment*, vol. xii., pp. 168-174, 182-191.

|| The text of the tariff and force acts will be found in *Register of Debates*, vol. ix., pt. ii., app., pp. 10-14; *United States Statutes-at-Large*, vol. iv., pp. 632-635; *Niles' Register*, vol. xliii., sup., p. 46; MacDonald, *Select Documents*, pp. 284-289. In general see also Benton, *Thirty Years' View*, vol. i., chaps. lxxx.-lxxxvi., Curtis, *Webster*, vol. 1., chap. xix.; Tyler, *Life and Times of the Tylers*, vol. i., chap. xiv.; Thompson, *History of Protective Tariff Laws*, chaps. xxix.-xxx.

§ Benton said: "A compromise made with a state in arms is a capitulation to that State. \* \* \* The injury was great then, and a permanent evil example. It remitted the government to the condition of the old confederation, acting upon sovereignties instead of individuals. It violated the feature of our Union which discriminated it from all confederacies that ever existed, and which was wisely and patriotically put into the Constitution to save it from the fate which had attended all confederacies, ancient and modern.

the one to gratify the North and the other to appease the South, had been watched with deep interest by the whole country, and now that they had become laws they received both denunciation and praise.\* Meanwhile the other States had taken action on the nullification ordinance.† During January and February of 1833 many State legislatures had passed reports and resolutions, denouncing South Carolina and upholding Jackson. Massachusetts, Maryland, Ohio and Mississippi opposed the call of South Carolina for a convention of the States to settle this dispute between her and the general government. Maine, New Hampshire, New York, New Jersey, Delaware, North Carolina, Ohio, Indiana, Mississippi and Pennsylvania denounced nullification as a pernicious doctrine, and declared that the Constitution is not a compact or league, but a form of government; that no State had the right to withdraw from the Union; and that the Constitution did not authorize any State to annul

\* \* \* The framers of our Constitution established a Union instead of a League—to be sovereign and independent within its sphere, acting upon persons through its own laws and courts, instead of acting on communities through persuasion or force. The effect of this compromise legislation was to destroy this great feature of our Union—to bring the general and state governments into conflict—and to substitute a sovereign state for an offending individual as often as a state chose to make the cause of that individual her own."—Roosevelt, *Life of Benton*, pp. 108-109.

\* For details see McMaster, vol. vi., pp. 168-170.

† See Sumner, *Life of Jackson*, pp. 287-288.



a law of Congress.\* Virginia sent a commissioner, Benjamin W. Leigh, to South Carolina to urge the State to repeal, or at least to suspend, the ordinance until the close of the first session of the Twenty-Third Congress.† Leigh set off immediately but while on his way to Charleston two vessels had reached port that day (February 1) and were taken possession of by the United States revenue cutter, for the ordinance was still supposed to be in force. The act had been suspended until March 3 by a mass meeting of nullifiers held at Charleston on January 21, 1833. Lieutenant-Governor Charles C. Pinckney presided over the meeting and Ex-Governor Hamilton moved a set of resolutions which the meeting adopted. These resolutions declared that Jackson's claims of power as set forth in his proclamation were contrary to the Constitution; that the citizens viewed with abhorrence the doctrine that no State could peaceably leave the Union; that the threats of military coercion had aroused indignation throughout the State; and that the concentration of military and naval forces on the fron-

tier and in the harbors in the State had caused great excitement. Nevertheless, as Congress was exhibiting moderation and as this moderation should be met with a like disposition on the part of the State, it was declared to be "the sense of this meeting that \* \* \* all occasion for collision between the federal and state authorities should be sedulously avoided on both sides."\* The plans of the nullifiers were completely changed by the arrival of Mr. Leigh. They had not intended to make a prompt and explicit answer to Virginia, and not until Leigh pressed for an answer did they promise to assemble the nullification convention immediately after the adjournment of Congress. In the event of the enactment of the Force Bill and the refusal to revise the tariff, it was stated that the nullifiers would continue their work, but if the tariff bill were passed, the nullifiers would listen to the appeal of Virginia.

True to their promise, after the Force Bill and the tariff bill had become law, the leaders of the nullifiers called for a meeting of the convention on March 11.† Poinsett urged the Union members not to attend and convoked the Union party convention for March 18 at Charleston, but before the delegates arrived the meeting was postponed, as the nullifica-

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\* McMaster, vol. vi., p. 170. Schouler (*United States*, vol. iv., pp. 99-100) states the facts a little differently.

† Ames, *State Documents on Federal Relations*, no. iv., pp. 53-56; *Niles' Register*, vol. xliii., pp. 434-436. McLaughlin (*Life of Cass*, p. 146) says there is good reason to believe that the action of Virginia was the result of a letter written by Cass which appeared in the *Richmond Enquirer*, December 13, 1832. See also Hunt, *Life of Calhoun*, pp. 188-189; Jervoy, *Robert Y. Hayne and His Times*, pp. 345-346.

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\* *Niles' Register*, vol. xliii., pp. 380-382; Houston, *Nullification in South Carolina*, pp. 122-123.

† *Niles' Register*, vol. xlii., p. 4.

tion convention at Columbia (March 15 by a vote of 153 to 4) had repealed the ordinance, and all laws relating to it, save the militia act, had nullified the Force Act (March 18 by a vote of 132 to 19) and adjourned.\*

Before the nullification convention adjourned the second time it referred the question of an oath of allegiance to the legislature. The Union men protested that, if the legislature passed a new oath of office, made a new treason law, and declared what allegiance meant, the Union party must fight, quit the State or become vassals of the nullifiers, for the test oath was clearly intended to proscrib Union men, and they could not call themselves free men and submit to it. Nevertheless, at the session beginning in December of 1833, the legislature enacted a law requiring

all military officers within 30 days after their election to swear that they would bear true allegiance to the State.\* The legislature also amended the State constitution by adopting an act prescribing a new oath of office. But the militia law was declared unconstitutional by the court of appeals, and the Union party issued memorials remonstrating against the passage of the amendment. When the legislature met in November of 1834 these memorials were referred to a joint committee on Federal relations. The report rendered by this committee convinced the Union members who at once abandoned all opposition, voted to accept the report, and withdrew their protest. This closed the nullification controversy, and cordial relations between the men of all parties was restored.

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## APPENDIX TO CHAPTER V.

### THE SOUTH CAROLINA ORDINANCE OF NULLIFICATION.

*An Ordinance to Nullify certain acts of the Congress of the United States, purporting to be laws laying duties and imposts on the importation of foreign commodities.*

Whereas the Congress of the United States, by various acts, purporting to be acts laying duties and imposts on foreign imports, but in reality

intended for the protection of domestic manufactures, and the giving of bounties to classes and individuals engaged in particular employments, at the expense and to the injury and oppression of other classes and individuals, and by wholly exempting from taxation certain foreign commodities, such as are not produced or manufactured in the United States, to afford a pretext for imposing higher and excessive duties on articles similar to those intended to be protected, hath exceeded its just powers under the Constitution, which confers on it no authority to afford such protection, and hath violated the true meaning and intent of the Constitution, which provides for equality in imposing the

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\* *Niles' Register*, vol. xlv., pp. 55-58, 71-75, 86-90, 106-107; Houston, *Nullification in South Carolina*, pp. 130-132, 149-150; Hunt, *Life of Calhoun*, pp. 189-193; Jervay, *Robert Y. Hayne and His Times*, pp. 352-353; Sumner, *Life of Jackson*, p. 290. Curtis (*Life of Webster*, vol. i., p. 456) says that the ordinance was never formally revoked, but the fact that the repeal was signed only by the president and secretary of the convention does not justify that assertion.

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\* Hunt, *Life of Calhoun*, p. 194; *Niles' Register*, vol. xlv., p. 267.

burthens of taxation upon the several States and portions of the confederacy: And whereas the said Congress, exceeding its just powers to impose taxes and collect revenue for the purpose of effecting and accomplishing the specific objects and purposes which the Constitution of the United States authorizes it to effect and accomplish, hath raised and collected unnecessary revenue for objects unauthorized by the Constitution:

We, therefore, the people of the State of South Carolina in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the several acts and parts of acts of the Congress of the United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, and now having actual operation and effect within the United States, and, more especially, an act entitled "An act in alteration of the several acts imposing duties on imports," approved on the nineteenth day of May, one thousand eight hundred and twenty-eight, and also an act entitled "An act to alter and amend the several acts imposing duties on imports," approved on the fourteenth day of July, one thousand eight hundred and thirty-two, are unauthorized by the Constitution of the United States, and violate the true meaning and intent thereof, and are null, void, and no law, nor binding upon this State, its officers or citizens; and all promises, contracts, and obligations, made or entered into, or to be made or entered into, with purpose to secure the duties imposed by the said acts, and all judicial proceedings which shall be hereafter had in affirmance thereof, are and shall be held utterly null and void.

And it is further ordained, that it shall not be lawful for any of the constituted authorities, whether of this State or of the United States, to enforce the payment of duties imposed by the said acts within the limits of this State; but it shall be the duty of the Legislature to adopt such measures and pass such acts as may be necessary to give full effect to this ordinance, and to prevent the enforcement and arrest the operation of the said acts and parts of acts of the Congress of the United States within the limits of this State, from and after the first day of February next, and the duty of all other constituted authorities, and of all persons residing or being within the limits of this State, and they are hereby required and enjoined, to obey and give effect to this ordinance, and such acts and measures of the Legislature as may be passed or adopted in obedience thereto.

And it is further ordained, that in no case of law or equity, decided in the courts of this State, wherein shall be drawn in question the authority of this ordinance, or the validity of such act or acts of the Legislature as may be passed for the purpose of giving effect thereto, or the validity of the aforesaid acts of Congress, imposing duties, shall any appeal be taken or allowed to the Supreme Court of the United States, nor shall any copy of the record be permitted or allowed for that purpose; and if any such appeal shall be attempted to be taken, the courts of this State shall proceed to execute and enforce their judgments, according to the laws and usages of the State, without reference to such attempted appeal, and the person or persons attempting to take such appeal may be dealt with as for a contempt of the court.

And it is further ordained, that all persons now [now] holding any office of honor, profit, or trust, civil or military, under this State (members of the Legislature excepted) shall, within such time, and in such manner as the Legislature shall prescribe, take an oath well and truly, to obey, execute, and enforce, this ordinance, and such act or acts of the Legislature as may be passed in pursuance thereof, according to the true intent and meaning of the same; and on the neglect or omission of any such person or persons so to do his or their office or offices shall be forthwith vacated, and shall be filled up as if such person or persons were dead or had resigned; and no person hereafter elected to any office of honor, profit, or trust, civil or military (members of the Legislature excepted) shall, until the Legislature shall otherwise provide and direct, enter on the execution of his office, or be in any respect competent to discharge the duties thereof, until he shall, in like manner, have taken a similar oath; and no juror shall be empanelled in any of the courts of this State, in any cause in which shall be in question this ordinance, or any act of the Legislature passed in pursuance thereof, unless he shall first, in addition to the usual oath, have taken an oath that he will well and truly obey, execute, and enforce this ordinance, and such act or acts of the Legislature as may be passed to carry the same into operation and effect, according to the true intent and meaning thereof.

And we, the people of South Carolina, to the end that it may be fully understood by the Government of the United States, and the people of the co-States, that we are determined to maintain this, our ordinance and declaration, at



every hazard, do further declare that we will not submit to the application of force, on the part of the Federal Government, to reduce this State to obedience; but that we will consider the passage, by Congress, of any act authorizing the employment of a military or naval force against the State of South Carolina, her constitutional authorities or citizens; or any act abolishing or closing the ports of this State, or any of them, or otherwise obstructing the free ingress and egress of vessels to and from the said ports, or any other act on the part of the Federal Government, to coerce the State, shut up her ports, destroy or harass her commerce, or to enforce the acts hereby declared to be null and void, otherwise than through the civil tribunals of

the country, as inconsistent with the longer continuance of South Carolina in the Union; and that the people of this State will thenceforth hold themselves absolved from all further obligations to maintain or preserve their political connection with the people of the other States, and will forthwith proceed to organize a separate Government, and do all other acts and things which sovereign and independent States may of right do.

Done in Convention at Columbia, the twenty-fourth day of November, in the year of our Lord one thousand eight hundred and thirty-two, and in the fifty-seventh year of the declaration of the independence of the United States of America.

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## CHAPTER VI.

### 1832-1834.

#### THE DEPOSITS, THE PANIC OF 1834 AND THE CURRENCY.

The Bank's insidious use of its funds — Its request for a postponement of payment — Jackson's decision to remove the deposits — His message of December 4, 1832 — The reports rendered to that body — Jackson's consultation with the Cabinet — Duane's refusal to remove the deposits and his dismissal — The panic — Jackson's message to the Twenty-Third Congress — His refusal to submit the Cabinet paper — The debate on public distress — Jackson's interviews with delegations — The resolutions of censure — Jackson's protest and the refusal of Congress to receive it — Refusal of Congress to confirm Jackson's Bank nominations — The currency acts of 1834 — The change in the ratio of coinage.

The Twenty-Second Congress expired on March 2, 1833, when, too, President Jackson's first term of office ended. In the preceding autumn, as we have seen, he had been reelected by a large vote, which clearly demonstrated that the democracy of the Nation heartily endorsed his views and policies. On March 4, inaugurated for the second time, Jackson delivered his second inaugural address,\* and again took

the oath of office.\* During the summer he made a tour through the Middle and Eastern States and was much gratified by the general tribute paid him and his principles, which he interpreted as another indication of the popularity of the various measures he advocated.†

The result of the election left no hope that the United States Bank would receive a new charter. The

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\* For which see Richardson, *Messages and Papers*, vol. iii., pp. 3-5; *Niles' Register*, vol. xliv., pp. 21-22.

\* Schouler (*United States*, vol. iv., pp. 114-117) gives a short description of Jackson's personal appearance at this time.

† Peck, *The Jacksonian Epoch*, p. 215; Quincy, *Figures of the Past*, p. 352.

old charter had only three years more to run, and it was supposed that the subject of renewal would be dropped. But Jackson had been thoroughly aroused by the course pursued by the Bank since it took on more or less of a personal nature. By a secret note of its directors the Bank had set aside an indefinite sum for insidious uses and placed the management of the campaign for re-charter in the hands of the astute president, Nicholas Biddle. Much of this money was used to circumvent Jackson's reelection, besides which the Bank proved by its actions that it meant to fight for its life. Instead of contracting loans and preparing to wind up its affairs like a concern that intends to expire decently, it was extending its operations and was making friends everywhere possible among Congressmen and influential persons. Jackson interpreted this as meaning that the struggle for re-charter would be renewed, and that there would be no safety for the Republic until the monster monopoly was prostrate.\*

During the summer of 1832 an event occurred which afforded Jackson an excellent excuse to make a new attack. On March 24, 1832, Asbury Dickins, Acting Secretary of the Treasury, notified Biddle that on July following \$6,000,000 of the 3 per cent. loan of 1792 would be paid with money deposited in the Bank. As this money had been loaned to cus-

tomers in the course of business, Biddle besought the Secretary to postpone payment,\* for if the Bank were compelled to call in its loans in order to meet the payment of the debt, the prevailing distress would be greatly increased. The Secretary thereupon agreed to postpone the draft until October 1, provided the Bank paid the three months' interest.† Biddle then sent an agent to England, where, with the aid of Baring Bros. & Co., an agreement was reached with foreign holders of nearly \$3,000,000 of the 3 per cents. not to present their certificates for payment until six, nine, or twelve months after October 1, 1832, in return for which indulgence the Bank agreed to pay them 4 per cent. interest.‡ Those who rejected this proposition sold their certificates to Baring Bros. who agreed to hold them for the Bank.¶ The publication of this agreement with the Barings convinced Jackson that the Bank was unsound and needed time in which to meet its obligations.§ Believing it could no longer be trusted with Government funds, Jackson came to the conclusion that the Government deposits must be removed, but did not wish to take the responsibility for doing it. In his message

\* Parton, *Life of Jackson*, vol. iii., p. 496-497.

† Sumner, *History of American Currency*, pp. 97-98.

‡ Sumner, *Life of Jackson*, pp. 291-292; White, *Money and Banking*, pp. 298-299.

¶ For the correspondence see *House Ex. Doc.* 9, 22d Congress, 2d session; *Register of Debates*, vol. ix., pt. ii., app., pp. 103-108.

§ White, *Money and Banking*, p. 301; Parton, *Life of Jackson*, vol. iii., p. 498.

\* Schouler, *United States*, vol. iv., pp. 137-138.

of December 4, 1832, therefore, he said:

"In conformity with principles heretofore explained, and with the hope of reducing the General Government to that simple machine which the constitution created, and of withdrawing from the States all other influence than that of its universal beneficence in preserving peace, affording an uniform currency, maintaining the inviolability of contracts, diffusing intelligence, and discharging, unfelt, its other superintending functions, I recommend that provision be made to dispose of all stocks now held by it in corporations, whether created by the General or State Governments, and placing the proceeds in the Treasury. As a source of profit, these stocks are of little or no value; as a means of influence among the States, they are adverse to the purity of our institutions. The whole principle on which they are based, is deemed by many unconstitutional, and, to persist in the policy which they indicate, is considered wholly inexpedient.

"It is my duty to acquaint you with an arrangement made by the Bank of the United States with a portion of the holders of the three per cent. stock, by which the Government will be deprived of the use of the public funds longer than was anticipated. By this arrangement, which will be particularly explained by the Secretary of the Treasury, a surrender of the certificates of this stock may be postponed until October, 1833, and thus the liability of the Government, after its ability to discharge the debt, may be continued by the failure of the bank to perform its duties.

"Such measures as are within the reach of the Secretary of the Treasury have been taken to enable him to judge whether the public deposits in that institution may be regarded as entirely safe; but, as his limited power may prove inadequate to this object, I recommend the subject to the attention of Congress, under the firm belief that it is worthy of their serious investigation. An inquiry into the transactions of the institution, embracing the branches as well as the principal bank, seems called for by the credit which is given throughout the country to many serious charges impeaching its character, and which, if true, may justly excite the apprehension that it is no longer a safe depository of the money of the people."\*

\* Richardson, *Messages and Papers*, vol. ii., pp. 599-600; *House Journal*, 22d Congress, 2d session, pp. 15-16.

This part of the message was referred to the Committee of Ways and Means, which, on February 13, 1833, reported a bill through James K. Polk, authorizing the sale of the bank stock held by the United States.\* This measure was rejected at the first reading, though by a small majority, the vote standing 102 against 91.† On March 1 two other reports came down from the same committee; that from the majority being submitted by Verplanck, of New York, together with a resolution declaring that the deposits might be safely continued in the Bank,‡ while that from the minority submitted by Polk declared that the action of the Bank in the matter of the 3 per cents. proved that there was good ground to doubt the safety of the deposits.¶ Again the friends of the Bank came to its aid by adopting the first report on March 2 by a vote of 109 to 46.§ The adoption of this report by so large a majority merely convinced Jackson's friends of the corrupting influence of the Bank and confirmed their opinion that there was every reason to diminish

\* *Register of Debates*, vol. ix., pt. ii., p. 1707; Benton, *Abridgment*, vol. xii., p. 167.

† *Register of Debates*, vol. ix., pt. ii., p. 1722; Sumner, *Life of Jackson*, p. 292.

‡ See *House Report* 121, 22d Congress, 2d session; *Register of Debates*, vol. ix., pt. ii., pp. 1898-1902, and app., pp. 64-66.

¶ *House Report* 121, 22d Congress, 2d session. See also *Register of Debates*, vol. ix., pt. ii., app., pp. 66-85.

§ *Register of Debates*, vol. ix., pt. ii., pp. 1922-1936; Benton, *Abridgment*, vol. xii., p. 191; Niles' *Register*, vol. xlv., pp. 108-112; Dewey, *Financial History*, pp. 204-205; White, *Money and Banking*, p. 301.



its power. Jackson thought that if the Bank were permitted to retain the public money, it would use these funds corruptly to secure a re-charter over the veto, even if it had to bribe all Congress.\* Jackson was now warned that to remove all the Government deposits from the Bank would only win public sympathy for that institution and give it just cause for complaint.† The best plan would be to leave the Government funds in the Bank for the present, to order future receipts from all sources to be deposited in the State banks, and then to use the deposits in the National Bank to pay current expenses of the Government.

By this time Jackson had decided that the deposits should be removed, but thought that he ought first to submit the matter formally to the cabinet. Secretary of the Treasury McLane considered a removal of the deposits unnecessary before the expiration of the charter. Barry said that the deposits ought to be removed gradually, beginning at once. Taney thought that the Bank was not to be trusted and that the deposits should be removed at the earliest possible moment.‡ In order to ensure removal, it was necessary to secure the consent of the Secretary of the Treasury, who alone could issue the order. McLane refused to do this, however, and, to accomplish the desired object,

Jackson determined to reorganize the Cabinet. He transferred McLane to the State Department, Livingston having been appointed minister to France, and William J. Duane, of Pennsylvania, was handed the Treasury portfolio.\* Duane claims that he had heard nothing regarding the removal of the deposits prior to assuming office, but that, two days after this, Jackson told him he contemplated removing the deposits and that, the question being submitted to the Cabinet, two members favored and two opposed the project. The fifth member had not yet been heard from. Jackson desired that the Secretary of the Treasury would fully and frankly state his views in the matter. On July 10 Duane gave his opinion† discussing exhaustively every pertinent question‡ without deciding, however, whether the deposits should be withdrawn immediately or on January 1, when he thought the fiscal year began. Nevertheless, after receiving a letter from Taney (dated August 5, 1833), urging him to remove the deposits before the meeting of Congress in December,|| Jackson determined to remove the deposits at once, and wrote to Taney that if Duane would not agree to make the removal immediately, the sooner he

\* Dewey, *Financial History*, p. 205; *Life of Jackson*, vol. iii., p. 508 *et seq.*

† White, *Money and Banking*, pp. 304-305; Parton, *Life of Jackson*, vol. iii., p. 517 *et seq.*

‡ Von Holst, *Constitutional and Political History*, vol. ii., p. 53.

|| Samuel Tyler, *Memoir of Roger Brooke Taney*, p. 195.

\* Sumner, *Life of Jackson*, pp. 298-299; Schouler, *United States*, vol. iv., p. 139.

† Catterall, *The Second Bank*, p. 291.

‡ McMaster, vol. vi., pp. 186-187.

resigned the better. The President then called his Cabinet together on September 18 and laid before it a paper setting forth his views on the question at issue.\* He said that his contention that the Bank was unconstitutional had been vindicated by his reelection to the Presidency, but that the chief measure to be considered was the manner in which the deposits should be removed and how the services rendered by the Bank were to be performed after its charter expired. As far as the first question was concerned, the President possessed power to decide how long the Bank should continue to be the depository for the public money. As the Bank had used all its vast resources to undermine the influence of the Government, he thought that it should no longer have the use of Government money. "Under these convictions" Jackson felt "that a measure so important to the American people cannot be commenced too soon; and he therefore names the first day of October next as a period proper for the change of the deposits, or sooner, provided the necessary arrangements with the State banks can be made."† On finishing the reading, Jackson replied that it was, and on his own re-

sponsibility.\* On September 20 the *Globe*, the Administration paper, stated that it was authorized to say that Government deposits would thenceforth be made with State banks instead of the United States Bank.† Duane protested against this semi-official announcement and on the 21st sent the President a refusal to remove the deposits or voluntarily to give up his position, since in his opinion the discretion in the matter of removing the deposits belonged to him and he did not approve such a course.‡ He said that he would remove the deposits if Congress directed him to do so, but otherwise he would neither aid nor assist, nor in any way participate in their removal, and resented Jackson's interference with the powers and duties of the Secretary.¶ Accordingly, upon his refusal to do as the President directed, Duane was dismissed on September 23 and Attorney-General Roger B. Taney appointed in his place.§

\* Sumner, *Life of Jackson*, pp. 302, 303; Schouler, *United States*, vol. iv., pp. 144-145; Parton, *Life of Jackson*, p. 528.

† *Niles' Register*, vol. xlv., p. 237.

‡ For the correspondence see *Niles' Register*, vol. xlv., pp. 236-239. See also White, *Money and Banking*, p. 305; Schurz, *Life of Clay*, vol. ii., pp. 26-28.

¶ See the conversation as given by Duane quoted in Brady, *The True Andrew Jackson*, pp. 354-357; Parton, *Life of Jackson*, vol. iii., p. 528 *et seq.* See also Duane, *Narrative and Correspondence concerning the removal of the deposits and occurrences connected therewith* (Philadelphia, 1838), and the correspondence in *Register of Debates*, vol. x., pt. iv., app., pp. 305-309.

§ Tyler, *Memoir of Taney*, chap. iii.; Parton, *Life of Jackson*, vol. iii., chaps. xxxvi.-xxxvii.; Benton, *Thirty Years' View*, vol. I., chap. xcii.-

\* Tyler (*Memoir of Taney*, p. 204) says this was prepared by Taney.

† For text of the paper see Richardson, *Messages and Papers*, vol. iii., pp. 5-19; *Niles' Register*, vol. xlv., pp. 73-77; *Congressional Globe*, vol. i., pp. 59-62 (1833-1835); *Register of Debates*, vol. x., pt. iv., app., pp. 284-289; and the excerpts in MacDonald, *Select Documents*, pp. 289-295.

At this time \$9,891,767 of public money was deposited in the Bank, all of which might be withdrawn at any moment and much of which was sure to be used in a very short time to meet the current expenses of the Government. Knowing this, the bank was forced to curtail its loans to the extent of \$7,000,000,\* and could not use any of the public deposits for the benefit of the commercial community. As a result, money became scarce, discounts rose rapidly, and many business houses were sent to the wall. Exchange which usually could be made at  $\frac{1}{2}$  per cent. could now be affected only with the greatest difficulty at 2 per cent. The discount on notes was often as high as 18 per cent. A number of State banks announced that they would make no further loans or discount notes until suitable arrangements could be made to meet the demands of the Bank of the United States. Thereupon the presidents of the city banks besought Congress to restore the deposits to the Bank of the United States. They said that monetary operations in the commercial cities were almost at a standstill, the circulating medium was becoming depreciated, and unless something were done to remedy con-

ditions, a suspension of specie payment was not unlikely. This had been caused by the withdrawal of public deposits from the Bank of the United States on October 1, wherefore they prayed that the deposits be restored.\*

The first session of the Twenty-Third Congress convened on December 2, 1833, when the panic seemed to be at its height. Andrew Stevenson, an Administration man, was reëlected Speaker of the House by a large majority,† but in the Senate the Administration party was in the minority. In his annual message‡ the President denied that his acts had caused the panic, saying that the Bank had been endeavoring to embarrass a part of the community and to create a panic for the purpose of extracting a new charter from Congress. Actually, however, Jackson declared, no panic existed, and were it not for the fact that the charter would expire before a decision could be had from the court of last resort, he would "put an end to the charter rights which the bank had so palpably violated" by a *scire facias*.

The principal business of the session was necessarily concerned with the removal of the deposits. The op-

\* McMaster, vol. vi., pp. 193-195.

† Schouler, *United States*, vol. iv., p. 154; *Niles' Register*, vol. xlv., p. 230.

‡ For which see Richardson, *Messages and Papers*, vol. iii., pp. 19-35; *Register of Debates*, vol. x., pt. iv., app., pp. 1-7; Benton, *Abridgment*, vol. xii., pp. 194-201; *Senate and House Journals*, 23d Congress, 1st session; *Niles' Register*, vol. xlv., pp. 231-235 and the excerpts in MacDonald, *Select Documents*, pp. 300-303.

cii.; Schouler, *United States*, vol. iv., p. 145; White, *Money and Banking*, pp. 298-310; Dewey, *Financial History*, p. 206; Peck, *The Jacksonian Epoch*, pp. 219-221. Subsequently the Senate refused to confirm Taney and Levi Woodbury was appointed and confirmed. See Schouler, *United States*, vol. iv., pp. 169-170.

\* See the table in Parton, *Life of Jackson*, vol. iii., p. 535.



position strongly attacked the measures of Jackson in this respect. Early in the session the Senate called for the report of the Secretary of the Treasury, which but rehearsed the old charges and justified the President's conduct on the ground that he did not suppose the charter of the Bank could be renewed. Jackson added that the conduct of the Bank had made its removal necessary and that the Secretary alone had the right to issue the order for such removal.\* Considering this report inadequate to a discussion of the subject, as it seemed a waste of time to discuss the action of the Secretary when the President was the real offender, and, moreover, as Taney's report of December 4 was only a repetition of the paper which Jackson had read to the Cabinet on September 18,† the Senate, on December 11, by a vote of 23 to 18, passed the following resolution which had been introduced by Clay the day before:

"Resolved, That the President be requested to send to the Senate a copy of the paper which has been published, and which purports to have been read by him to the heads of the executive departments, dated the 18th day of September last, relating to the removal of the deposits of the public money from the Bank of the United States and its officers."‡

\* *Senate Doc. 2, House Ex. Doc. 2, 23d Congress, 1st session; Register of Debates, vol. x., pt. iv., pp. 59-77, 98-101; Niles' Register, vol. xlv., pp. 258-264. See also Sumner, Life of Jackson, pp. 308-309; Von Holst, Constitutional and Political History, vol. ii., p. 55 et seq.*

† Von Holst, *Constitutional and Political History*, vol. ii., p. 65.

‡ Peck, *The Jacksonian Epoch*, pp. 221-222; *Niles' Register*, vol. xlv., p. 247; Schouler,

The President, however, declined to comply with the request, saying: "The executive is a coördinate and independent branch of the Government equally with the Senate, and I have yet to learn under what constitutional authority that branch of the Legislature has a right to require of me an account of any communication, either verbally or in writing, made to the heads of the departments, acting as a Cabinet council."\* On December 26 Clay introduced two resolutions. The first declared that by dismissing one Secretary of the Treasury who would not remove the deposits and appointing another who did remove them, the President had exercised power not granted him by the Constitution and laws. The second asserted that the reasons given by Taney for removing the deposits were unsatisfactory and insufficient.† In making the opening speech on this subject,‡ Clay started a debate which,

*United States*, vol. iv., p. 159; White, *Money and Banking*, p. 307; Schurz, *Life of Clay*, vol. ii., p. 30; Clay, *Life of Clay*, p. 223. For the debate see *Register of Debates*, vol. x., pt. i., pp. 25-37.

\* Richardson, *Messages and Papers*, vol. iii., p. 36; *Register of Debates*, vol. x., pt. i., p. 37. See also Parton, *Life of Jackson*, vol. iii., p. 539.

† Schurz, *Life of Clay*, vol. ii., p. 31; Peck, *The Jacksonian Epoch*, pp. 224-225; Sumner, *Life of Jackson*, pp. 310-311; Curtis, *Life of Webster*, vol. i., p. 480; Parton, *Life of Jackson*, vol. iii., p. 541.

‡ See *Niles' Register*, vol. xlv., pp. 349-360; *Register of Debates*, vol. x., pt. i., pp. 58-94; Benton, *Abridgment*, vol. xii., pp. 208-216. For a resumé of Clay's speech see Schurz, *Life of Clay*, vol. ii., p. 32 et seq.; *The Jacksonian Epoch*, p. 225 et seq.

with a few interruptions, continued for the next three months.\*

With this debate on the bank came another regarding the reality of public distress. On January 13, 1834, Clay introduced a resolution proposing that the committee on Finance inquire into the expediency of relieving temporarily the present pecuniary embarrassments by extending the time of payment of the revenue bonds as they fell due.† Four months prior to this time, he said, the country had been in a flourishing condition, but at the present time the prices of all classes of merchandise had declined and would continue to do so if no remedy were quickly provided.‡ In answer, Ether Shepley, of Maine, said that there was no great distress in the country and that such as was complained of was merely imaginary, being felt nowhere save in chambers of commerce, among bankers, and among such interests as the action of the banks controlled.¶ In presenting a memorial from Boston on January 20, Webster said, however, that there was plenty of evidence to prove that the country was in the throes of a panic. Interest had risen to 12 per cent., while a few months previous it had been but 6; stocks had been depressed anywhere from 10 to 30 per

cent.; public works had been stopped; private undertakings had been abandoned; and the wages of the working class had been greatly lowered.\*

While this contest was in progress in the National legislature, the people throughout the Union held meetings, petitioned Congress, and sent committees to the President to represent their distress and beg for relief. Never before had Congress been so beset with petitions and memorials, more than 600 of them reaching each House. Many of these cited a number of failures which had occurred in the immediate vicinity and suggested various measures for relief.† As the session advanced, this popular pressure on the Executive and Congress greatly increased. The Senate willingly received the petitions, but the House, dominated by the President's supporters, rather disliked them. For a while Jackson received the various delegations with that courtesy for which he was noted, but soon began to lecture them and finally refused to give them audience.‡ It was reported that during these interviews the President would burst forth into angry remonstrances and harangue the dele-

\* *Register of Debates*, p. 292. See also p. 338.

† Roosevelt, *Life of Benton*, p. 133; Parton, *Life of Jackson*, vol. iii., p. 546. Many of these will be found in *Viles' Register*, vols. xlv. and xlvi., *passim*, and the debates in *Register of Debates*, vol. x., pts. i.-ii., *passim*.

‡ Schouler, *United States*, vol. iv., pp. 163-165.

One of these meetings is described in *Viles' Register*, vol. xlvi., pp. 8-10.

\* These debates cover so many hundreds of pages in the *Register of Debates*, vol. x., and in Benton's *Abridgment*, vol. vii., that specific folios will be cited only in a few instances.

† *Register of Debates*, vol. x., pt. i., p. 223.

‡ Schouler, *United States*, vol. iv., p. 165.

¶ *Register of Debates*, vol. x., pt. i., p. 225.

gations in unseemly language,\* setting forth his side of the controversy and refusing to listen to any words suggesting that there was another.†

On February 5, while the debate provoked by the presentation of petitions was in progress, Webster handed down a report from the Committee on Finance, recommending that Clay's second resolution be adopted.‡ On March 28, after a long discussion, it was adopted by a vote of 28 to 18.¶ Clay then changed his first resolution to read as follows: "*Resolved*, That the President, in the late executive proceedings in relation to the public revenue, has assumed upon himself

authority and power not conferred by the Constitution and laws, but in derogation of both."\*\* This resolution was adopted on March 28 by a vote of 26 to 20.† Jackson's wrath on reading the second resolution can well be imagined. On April 17 he sent a long protest to the Senate (dated April 15) denying the right of that body to censure his proceedings, defending his order for the removal of the deposits, and denouncing the Senators who had voted for the resolution.‡ He argued that as President he was a direct representative of the whole people, vested with all executive power, and responsible for the actions of the executive department; that if the Senate were permitted to continue censuring the official conduct of the Executive, the real power would be taken from his hands and placed in those of men holding offices for long terms and neither elected by nor directly responsible to the people.¶ Much excitement was caused by the reading of this protest in the Senate, after which George Poindexter, of Mississippi, moved that the message

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\* According to the report of the New York Committee, Jackson said: "Why am I teased with committees? Here I am receiving two or three anonymous letters every day, threatening me with assassination if I don't restore the deposits and recharter the bank—the abominable institution—the monster that has grown up out of circumstances and has attempted to control the Government. I've got my foot upon it and I'll crush it. \* \* \* Am I to violate my constitutional oath? Is it to be expected that I am to be turned from my purpose? Is Andrew Jackson to bow the knee to the golden calf as did the Israelites of old? I tell you, if you want relief, go to Nicholas Biddle. \* \* \* I would rather undergo the tortures of ten Spanish inquisitions than that the deposits should be restored or the monster be rechartered." — *Register of Debates*, vol. x., pt. iii., p. 3072 *et seq.*

† McMaster, vol. vi., pp. 200–204; Parton, *Life of Jackson*, vol. iii., pp. 548–553.

‡ *Register of Debates*, vol. x., pt. iv., app., pp. 146–156. Niles' *Register*, vol. xlv., pp. 418–424. Webster's *Works*, (1857) vol. iv., pp. 50–81. See also Curtis, *Life of Webster*, vol. i., pp. 484–485; Schouler, *United States*, vol. iv., p. 167.

¶ Niles' *Register*, vol. xlv., p. 88; *Register of Debates*, vol. x., pt. i., pp. 467–492, 574–603, 662–679, 755–802, 892–942, 1156–1167, 1172–1177, 1185–1187.

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\* Benton, *Abridgment*, vol. xii., p. 301.

† Niles' *Register*, vol. xlv., p. 88; *Senate Journal*, 23d Congress, 1st session, p. 197; White, *Money and Banking*, p. 308; Buell, *History of Andrew Jackson*, vol. ii., pp. 323–324; Clay, *Life of Clay*, p. 227; Jenkins, *Life of Calhoun*, p. 318 *et seq.*

‡ See Richardson, *Messages and Papers*, vol. iii., pp. 69–93; *Register of Debates*, vol. x., pt. i., pp. 1317–1336; Benton, *Abridgment*, vol. xii., pp. 308–318; Niles' *Register*, vol. xlv., pp. 138–144; and the excerpts in MacDonald, *Select Documents*, pp. 307–317.

¶ Schurz, *Life of Clay*, vol. ii., pp. 39–40.



be "not received."\* He said that never before had so extraordinary a paper been sent to Congress by a President and that he would not dignify it by considering it an executive message. It was merely a paper signed by Andrew Jackson which, rejected by the Senate, would not be the first paper bearing Jackson's signature which the Senate had refused to enter upon its journal because of abusive and vituperative language.† Clay said that Jackson's protest was a breach of the privileges of the Senate, that that body kept a journal of its own proceedings but not of other people's, and that it was not a recording office "for protests, deeds, bills, or other instruments." The protest suggested no legislation; it contained merely a request of the President that it be entered on the journal, and therefore was not such a paper as he had a right to ask the Senate to spread upon its minutes. The President "might as well have come to us and respectfully requested us to allow him to pull our noses, or kick us, or receive his stripes upon our backs." Calhoun denied the right of the President to question the opinions expressed by the Senate in any case or in reference to any subject whatever. Outside the Chamber he could use his veto to pro-

tect his rights against aggression by the Senate, but inside the Chamber the Senate was completely beyond his control. He had no right to enter the Senate chamber in an attitude of hostility.\* Benton, on the other hand, vigorously defended Jackson's right to protest and in this stand was supported by Silas Wright, of New York, Grundy, of Tennessee, and John Forsyth, of Georgia.† In answer to the assertion that the message was not received because no message of such a character had ever been received from the President, Benton said that never before had a Senate committed an act tending to bring forth such a message and that never before had the Senate attempted to censure the action of a Chief Magistrate. Even assuming that the doctrines and principles of the President's message were not sound, that was not a valid reason to reject the message. Merely entering a President's opinions on the journal carried neither the Senate's approval nor rejection of them. If the Senate were right in its stand, then it ought not to fear to spread the President's message on the journal. It was the duty of the Senate to receive the paper the same as any other petition or remonstrance, and justice

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\* *Register of Debates*, pp. 1336-1340; Benton, pp. 318-320; Schouler, *United States*, vol. iv., p. 168.

† Peck, *The Jacksonian Epoch*, pp. 236-237.

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\* *Register of Debates*, vol. x., pt. ii., pp. 1564-1581; Benton, *Abridgment*, vol. xii., pp. 335-338.

† For the speeches see *Register of Debates*, vol. x., pt. i., pp. 1347-1355, and pt. ii., p. 1394 *et seq.*, 1547-1559, 1615-1638; Benton, *Abridgment*, vol. xii., pp. 320-326, 338-345.

required that the remonstrance be entered on the journal.\*

For nearly three weeks the argument continued until on May 7, by a vote of 27 to 16, four resolutions were adopted, as follows:

"*Resolved*, That the protest communicated to the Senate on the 15th ultimo by the President of the United States, asserts powers as belonging to the President which are inconsistent with the just authority of the two Houses of Congress, and inconsistent with the Constitution of the United States.

"*Resolved*, That while the Senate is, and ever will be, ready to receive from the President all such messages and communications in the Constitution and laws, and the usual course of public business, authorize him to transmit to it, yet it cannot recognize any right in him to make a formal protest against votes and proceedings of the Senate, declaring such votes and proceedings to be illegal and unconstitutional, and requesting the Senate to enter such protest on its journals.

"*Resolved*, That the aforesaid protest is a breach of the privileges of the Senate, and that it be not entered on the journals.

"*Resolved*, That the President of the United States has no right to send a protest to the Senate against any of its proceedings."†

In the House an entirely different course of procedure was adopted. There, after a long debate, the President's message, the Secretary's report, the Bank memorial, etc., were all referred to the Committee on Ways and Means, whose chairman, James K. Polk, reported on March 4

four resolutions\* which were adopted on April 4 by votes of 134 to 82, 118 to 103, 117 to 105 and 175 to 42.† In effect these were that the Bank ought not to be rechartered; that the deposits ought not to be replaced; that the State banks ought to be used as places of deposit, though Congress prescribe the mode of selecting them, the terms and manner of their employment; and that a complete investigation of the affairs of the Bank of the United States be made to ascertain "the cause of the commercial embarrassment and distress complained of by numerous citizens of the United States." On February 4 Jackson sent a message to both Houses censuring the Bank for refusing to deliver the books, papers, and funds connected with the pension to the surviving soldiers of the Revolution.‡ On the 17th the Judiciary Committee of the Senate found this censure undeserved,|| and toward the

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\* Polk's report of March 4 will be found in *Register of Debates*, vol. x., pt. iv., app., pp. 161-187 and *House Report* 312, 23d Congress, 1st session, and Binney's minority report in *House Report* 313; also in *Niles' Register*, vol. xlv., pp. 38-48.

† *Register of Debates*, vol. x., pt. iii., pp. 2956-2979, 3022-3128, 3138-3303, 3329-3359, 3392-3439, 3443-3516; *Niles' Register*, vol. xlv., pp. 104-105; Benton, *Abridgment*, vol. xii., pp. 429-440, 444-456; Schouler, *United States*, vol. iv., pp. 168, 171. Parton (*Life of Jackson*, vol. iii., p. 555) gives the vote differently.

‡ Richardson, *Messages and Papers*, vol. iii., pp. 39-41; *Register of Debates*, vol. x., pt. iv., app., pp. 101-110.

|| The report is in *Register of Debates*, vol. x., pt. iv., app., pp. 110-119.

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\* See also Roosevelt, *Life of Benton*, pp. 134-136; Peck, *The Jacksonian Epoch*, pp. 237-238; *Niles' Register*, xlv., pp. 161-165, 213-216, 249-250.

† *Register of Debates*, vol. x., pt. ii., p. 1712; Benton, *Abridgment*, vol. xii., p. 363. See also Parton, *Life of Jackson*, vol. iii., p. 543; *Senate Journal*, 23d Congress, 1st session, p. 252.

end of May, after much debate, the Committee's finding was affirmed by the Senate.

As the Senate had by this time refused to entertain the President's protest, Clay on May 26 introduced two other resolutions in which he hoped the House would concur. These were to the effect that the reasons offered by the Secretary for removing the deposits were neither convincing nor ample and that the public money in the Bank of the United States ought to be replaced.\* After a long debate, the Senate, on June 3 and 4, adopted the resolutions by votes of 29 to 16 and 28 to 16.† The resolutions were then sent to the House, but, on Polk's motion, that body on June 13 laid them on the table by votes of 114 to 101 and 118 to 98.‡

The quarrel between the President and the Senate grew fiercer than ever, and before the session had ended, the Senate refused to confirm a number of nominations made by the President. On December 17, 1833, shortly after the convening of Congress, Jackson submitted the names of five men to be Government directors of the Bank for 1834. One of these (James A. Bayard) was at once confirmed by

the Senate, but the other four (Henry D. Gilpin, Peter Wager, John T. Sullivan and Hugh McEldery) had acted in such a manner that the Whigs could never forgive them. During 1833 they had served as Government directors, and, acting under Jackson's orders, had made a report on the expenditures of the Bank for printing the various essays, speeches, reviews, etc., circulated by that institution to influence the election of 1832.\* On February 27, 1834, therefore, considering these men as spies placed in the directorate of the Bank to observe the conduct of its officials, the Senate, by votes of 25 to 20 and 27 to 18, refused to advise and consent to their appointments.† Jackson, however, considering that these men had performed their duties faithfully and honestly, again sent their names to the Senate on March 11, 1834, accompanied by a long message,‡ intimating that if these names were again rejected he might leave the directorships vacant. Again on May 1, by a vote of 30 to 11, the Senate refused to confirm them|| and finally Jackson

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\* Their memorial to Congress of December 9, 1833, is in *Register of Debates*, vol. x., pt. iv., app., pp. 82-94.

† *Register of Debates*, vol. x., pt. iv., app., pp. 309-311; Peck, *The Jacksonian Epoch*, p. 224; Parton, *Life of Jackson*, vol. iii., p. 540.

‡ Richardson, *Messages and Papers*, vol. iii., pp. 41-48; *Niles' Register*, vol. xlv., pp. 180-182; *Register of Debates*, vol. x., pt. iv., app., pp. 311-313.

|| For the report of the Committee on Finance, May 1, 1834, see *Niles' Register*, vol. xlv., pp. 182-183; *Register of Debates*, pp. 314-215.

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\* *Register of Debates*, vol. x., pt. ii., p. 1818; Peck, *The Jacksonian Epoch*, p. 242.

† *Register of Debates*, vol. x., pt. ii., pp. 1818-1824, 1834, 1843-1860, 1879-1896; Benton, *Abridgment*, vol. xii., pp. 364-367; *Niles' Register*, vol. xlv., p. 246; Schouler, vol. iv., p. 167.

‡ *Niles' Register*, vol. xlv., p. 307-308; *Register of Debates*, vol. x., pt. iv., p. 4468; Benton, *Abridgment*, vol. xii., pp. 495-496.



yielded. Bayard having refused to serve, Jackson nominated five other men, whose nominations the Senate promptly confirmed.\*

The quarrel between the President and the Senate had overshadowed all legislation passed by Congress. While the deposit bill was being framed by the Committee of Ways and Means, the Secretary of the Treasury urged that a sound National metallic coinage be provided for. He said that during the existence of the Bank of the United States more than three-quarters of the paper money in circulation (\$60,000,000) had come from the State banks, in spite of the great influence exercised by the United States Bank over the currency of the country. But while these State banks had put forth so many millions of paper money, it was estimated that they did not have in their vaults more than \$25,000,000 in specie. This being the case, the condition of the currency was far from good, for the metallic base was far too small to support the paper superstructure. The Secre-

tary said further that, in order to bring the precious metals into wider use, paper money should be withdrawn from circulation by doing away with the notes of the Bank of the United States and of the State banks. As the former would cease to exist in 1836, it could be left out of consideration; but a day should be fixed after which no State bank issuing notes under \$5 should be a depository for public moneys or have its bills taken in payment of debts due the United States. The gap thus created would be filled by gold and silver, this operation to be extended to the \$10 notes and finally to all those under \$20 until they should disappear. Before this change could be effected, however, a reform in the coinage of gold had to be made, for at this time the gold coins were worth more in silver than their face value. The Secretary advised that gold and silver be placed on a parity and, that there might be plenty of specie to replace the small bank notes, suggested that foreign gold coins again be made legal tender in payment of debts.\*

Therefore, the Committee of Ways and Means inserted in the bill for regulating the deposits a provision to withdraw from circulation, after a certain day, bank notes under \$5, and in their stead to substitute gold and silver coins. But this provision was lost when the entire bill was defeated. Nevertheless, in accordance with the suggestions of the Secretary, a select

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\* With this the career of the Bank as a National institution was practically ended. In February of 1836 it obtained a charter from Pennsylvania as the Bank of the United States of Pennsylvania. In June Congress repealed the fourteenth section of the bank charter act which provided that the bank bills should be legal tender in all payments to the United States (*Statutes-at-Large*, p. 48). In 1837 a dispute arose over the payment to the United States of the Government stock (amounting to \$7,886,145.49) but it was settled by depositing with the Government four bonds, payable in September of 1837, 1838, 1839 and 1840. Thereafter all connection between the Government and the Bank ceased. See Catterall, *Second Bank*, p. 375.

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\* McMaster, vol. vi., pp. 213-214.

committee reported three bills, which were passed and approved by the President. One (the act of June 28, 1834), legalized the gold coins of Great Britain, France, Spain, Portugal, Mexico, Colombia, and Brazil. The other (the act of June 25, 1834), made current money by tale of the silver dollars of Central America, Mexico, Brazil, Peru, and Chili, and of the five-franc piece of France.\* The third act (signed on June 25) changed the ratio of gold and silver.

The change in the ratio of coinage had been under consideration for several years. After the passage of the Act of 1792, gold coins began to disappear from circulation and it became apparent that, if a double standard were to be maintained, a new ratio must be adopted and the metals coined on the basis of a more permanent equality.† On May 4, 1830, Secretary of the Treasury Ingham made a report to the Senate favoring a single standard and arguing that it should be silver, since foreign and domestic contracts were made in that money. On December 15, 1830, Senator Nathan Sanford, of the select committee appointed to consider the state of the coins, made a report supporting the

double standard.\* He said that the proportion of 15 to 1 was too low a valuation of gold in 1792 and much too low at the time of his report, and that the ratio of 15.9 to 1 appeared the most eligible. Accordingly a bill was introduced in the Senate making no change in the silver coins, but proposing that the ratio of coinage be as 15.9 of silver to 1 of gold. Under this proportion the eagle would contain 233 26/53 grains of pure gold and 254 38/53 grains of standard gold, and the other gold coins in proportion.‡ Nothing was done at this time, however. On February 22, 1831, Campbell P. White, chairman of the select committee on coins, rendered reports on gold and silver coins based largely on the bill Sanford had introduced in the Senate and which the House had referred to White's committee. The committee recommended that the standard value of gold be regulated according to the ratio of 15.625 of silver to 1 of gold, and that the portion of alloy used in coinage be established at one-tenth.§ On June 30, 1832, White made another report in which the committee recommended that the standard of value be legally and exclusively regulated in silver.||

\* *Niles' Register*, vol. xlvi., p. 321.

† In 1830 it was estimated that the amount of metallic circulation was as follows: total coins in the United States, \$23,000,000; coins issued by the United States, \$14,000,000; Spanish dollars and parts of dollars, \$5,000,000. Up to this time \$34,000,000 in silver coins had been issued by the mint, of which only \$14,000,000 remained in the country. Laughlin, *Bimetallism in the United States*, pp. 54-55.

\* *Register of Debates*, vol. vii., app., pp. cxxxi-cxxxvii.

† Watson, *History of American Coinage*, p. 83.

‡ *Register of Debates*, vol. vii., app., pp. cxxxvii-clix. See also Laughlin, *Bimetallism in the United States*, p. 60, where the various opinions are compared.

§ *House Report* 496, 22d Congress, 1st session. See also *House Report* 278, 23d Congress, 1st session; *Register of Debates*, vol. x., pt. iv., app., pp. 243-282.

He seems to have changed his mind, however, for on June 21, 1834, he recommended the passage of a new bill fixing the ratio of gold and silver as 16 to 1.\*

The debate on this last bill was protracted and exhaustive. Selden, of New York, proposed an amendment to White's bill providing that the quantity of fine gold in the eagle should be 237.6 grains and the half and quarter eagles in proportion.† This amendment, which meant the adoption of a ratio of  $15 \frac{5}{8}$  to 1, was defeated by a vote of 127 to 52.‡ Gorham then suggested that the eagle contain 234 grains of fine gold and 260 grains of standard gold, and the subsidiary coins in proportion (or a ratio of 15.825 to 1), but this amendment too, was defeated by a vote of 112 to 69.¶ White's bill was then passed by the House (145 to 36),§ and was sent to the Senate and then was signed by the President.¶ The law pro-

vided that the eagle should contain 232 grains of pure gold and 258 grains of standard gold, and reduced the quantity of gold in the half and quarter eagles, but made no change in the silver coins. This so changed the market ratio between the two metals that their legal or coinage ratio became 16 to 1, instead of 15 to 1, though the act did not in express terms fix the ratio at 16 to 1, but simply stated the amount of pure gold the gold coins should contain. The ratio of 16 to 1 is therefore artificial, and not one fixed by law, though this ratio would have been a very near approach to the true ratio between gold and silver dollars, since the gold dollar would have contained 23.2 grains of pure gold, and the silver dollar 371  $\frac{1}{4}$  grains of pure silver. The true ratio would have been  $16.002155+$  to 1.\* In the Act of 1834 silver was undervalued and as a result was driven out of circulation, just as gold had been under the Act of 1782.†

\* White, *Money and Banking*, pp. 51-52.

† *Register of Debates*, vol. x., pt. iv., p. 4644.

‡ Laughlin, *Bimetallism in the United States*, p. 64.

¶ Laughlin, *Bimetallism*, p. 64.

§ *Register of Debates*, vol. x., pt. iv., pp. 4645-4673; Benton, *Abridgment*, vol. xii., pp. 508-515.

¶ *United States Statutes-at-Large*, vol. iv., p. 699. For discussion see Watson, *History of American Coinage*, pp. 85-86, 90; White, *Money and Banking*, p. 52.

\* Watson, *History of American Coinage*, pp. 86-87. See also Sumner, *History of American Currency*, pp. 108-109; White, *Money and Banking*, pp. 41-42.

† Laughlin, *Bimetallism*, p. 65 et seq. Laughlin (p. 66, note) says that the movement of gold to the United States was so considerable as to create some alarm in London as to the condition of the reserves of the Bank of England.



# LECTURES *on the* UNITED STATES

WILEY RINES

SECTION XII























